













**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

**Volume IV, Part VI**

***(17th September to 24th September 1924)***

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**FIRST SESSION**

**OF THE**

**SECOND LEGISLATIVE ASSEMBLY, 1924**



**SIMLA  
GOVERNMENT OF INDIA PRESS  
1924.**



# **Legislative Assembly.**

## ***The President :***

THE HONOURABLE SIR FREDERICK WHYTE, KT.

## ***Deputy President :***

DIWAN BAHADUR T. RANGACHARIAR, M.L.A.

## ***Penal of Chairmen :***

COLONEL SIR HENRY STANYON, KT., C.I.E., V.D., M.L.A.

MR. M. A. JINNAH, M.L.A.

MR. K. C. NEOGY, M.L.A.

DIWAN BAHADUR M. RAMACHANDRA RAO, M.L.A.

## ***Secretary :***

SIR HENRY MONCRIEFF SMITH, KT., C.I.E., M.L.A.

## ***Assistants of the Secretary :***

MR. W. T. M. WRIGHT, C.I.E., I.C.S.

MR. S. C. GUPTA, BAR.-AT-LAW.

MR. G. H. SPENCE, I.C.S.

## ***Marshal :***

CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

## ***Committee on Public Petitions :***

DIWAN BAHADUR T. RANGACHARIAR, M.L.A., *Chairman of the Committee.*

COLONEL SIR HENRY STANYON, KT., C.I.E., V.D., M.L.A.

HAJI WAJIHUDDIN, M.L.A.

RAJA RAGHUNANDAN PRASAD SINGH, M.L.A.

MR. HARICHANDRAI VISHINDAS, C.I.E., M.L.A.



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# LEGISLATIVE ASSEMBLY.

Wednesday, 17th September, 1921.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

CASE AGAINST SERGEANT O'MEARA, MANAGER OF THE GRASS FARM, DEOLALI.

2058. \***Haji S. A. K. Jeelani** : (a) Will the Government be pleased to state whether it is a fact that Sergeant O'Meara, Manager of the Grass Farm, Deolali, was prosecuted and tried by the Military Court of Inquiry in 1921 at Deolali ?

(b) Will the Government be pleased to state the charges on which prosecution was launched against him ?

(c) Will the Government be pleased to state whether it is a fact that on the findings of the Military Court of Inquiry Sergeant O'Meara was further prosecuted before the Cantonment Magistrate of Deolali ?

(d) Will the Government be pleased to state the names, and designations of those who were cited as chief witnesses in this case and whose evidence was taken in full ?

(e) Is it a fact that after a full trial of the accused and on the strength of the evidence tendered, he was committed to Sessions by the Cantonment Magistrate ?

(f) Is it a fact that at the Court of Sessions the case was withdrawn by the Government pleader ?

(g) Will the Government be pleased to state the reasons for the withdrawal of the case ?

(h) Will the Government be pleased to state whether it is a fact that the witness who gave evidence in the two Subordinate Courts against the accused, tendered evidence in favour of the accused at the Court of Sessions ?

(i) Will the Government be pleased to state whether any action, departmental or otherwise, has been taken against him for tendering conflicting evidence ?

(j) Will the Government be pleased to state whether there had been any Indian witnesses in this case, if so, will the Government be pleased to state their names and avocations ?

(k) Will the Government be pleased to lay on the table a copy of the papers connected with the case ?

**Mr. E. Burdon** : (a) The conduct of Staff Sergeant O'Meara, Manager of the Military Grass Farm, Deolali, was investigated by a Court of Inquiry which was held at Deolali on the 16th May 1921. In the recommendation of that Court, the case was reported to the civil police for investigation.

(b) and (c). A prosecution was instituted, under sections 109, 465, 477-A and 480 of the Indian Penal Code, in the Court of the Cantonment Magistrate, Deolali.

(d) A statement giving the names and designations of the witnesses is laid on the table.

(e) The case was committed to the Sessions Court, Nasik, by the Cantonment Magistrate, Deolali.

(f) The case was not withdrawn. Agreeing with the unanimous verdict of the jury, the Judge held that the charge was not proved against the accused, and they were, therefore, acquitted.

(g) This question does not now arise.

(h) Government are informed that this is not a fact.

(i) Does not arise.

(j) Yes. The information desired has been given in the statement laid on the table in reply to part (d) of this question.

(k) Government are not prepared to lay any papers on the table. The judicial records are not in the possession of the Government of India.

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*Statement giving the names and designations of the witnesses who tendered evidence in the case against Sergeant O'Meara.*

Major V. W. Brett, Assistant Controller of Grass Farms, 9th Circle.

Major H. Kirke (formerly Deputy Assistant Director, Veterinary Services, Poona District).

Captain R. L. Watts, Oxfordshire and Buckinghamshire Light Infantry.

Khan Sahib Sheik Ahmed, Deputy Examiner, Military Accounts Department.

Karid Khan, Oetroi Inspector.

Esmailji, Contractor.

Mithu Pillaji Dhangar, Weighman and Despatcher, Military Grass Farms, Deolali.

Bhagchand Shirsat (without occupation).

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#### RELIEF OF DISTRESS CAUSED BY THE FLOODS IN SOUTHERN INDIA.

2059. \***Mr. C. Duraiswami Aiyangar** : Will the Government be pleased to state what action the Government of India intend taking to co-operate, with the Local Government in granting relief to the distressed people in the flooded areas in Southern India ?

**Mr. J. W. Bhore** : The attention of the Honourable Member is drawn to the reply given to Mr. Bhubanananda Das' question No. 1905 on the same subject.

**Mr. A. Rangaswami Aiyangar** : May I know if the Government would be able to give some time to Members of this House to bring to the notice of Government the nature of the relief that is needed from the Government of India to the Madras Government for the people in distress.

**Mr. J. W. Bhore** : I am not in a position to give the Honourable Member any definite assurance, but I have already promised to consider the point.

#### APPOINTMENT OF A COMMITTEE TO CONSIDER THE GRIEVANCES OF THE PUBLIC WITH REGARD TO RAILWAYS.

2060. \***Mr. C. Duraiswami Aiyangar** : (a) Is it a fact that the Secretary, Railway Grievances Redressing Association for India

addressed a letter in August 1921 to His Excellency the Governor General stating in detail the complaints of the public with constructive suggestions ?

(b) If so, will the Government be pleased to state what action has been taken to remedy the grievances ?

(c) Do the Government intend to get a representative committee appointed to inquire and report on the grievances and their remedies ?

**Mr. C. D. M. Hindley :** (a) Yes.

(b) The Secretary, Railway Grievances Redressing Association for India was informed at the time by the Private Secretary to His Excellency the Viceroy of the action taken.

(c) Government do not consider the appointment of such a Committee necessary.

INCREASE OF LICENSE FEES FOR THE SALE OF COFFEE, ETC., AT RAILWAY STATIONS ON THE SOUTH INDIAN RAILWAY.

2061. **\*Mr. C. Duraiswami Aiyangar :** (a) Is it a fact that Mr. Muirhead, the Managing Director of the South Indian Railway Company, increased the license fee for selling coffee, etc., to the passengers on the platform from about one rupee a year to about six rupees a month ?

(b) Are the Government aware that increase of the license fee results in the supply of an inferior quantity of coffee, sweetmeats, etc., to the passengers ?

(c) Are the Government prepared to take steps to get the license fee reduced to a nominal term ?

**Mr. C. D. M. Hindley :** (a), (b) and (c). Government have no information. The matter is one which, if represented to the Agent, might suitably be discussed with the Local Advisory Committee of the Railway.

A copy of the question and answer will be sent to the Agent.

THEFT OF INSURED LETTERS.

2062. **\*Mr. C. Duraiswami Aiyangar :** (a) Has the attention of the Government been drawn to an article in "Railway Guardian" of May 1924 under the heading "the second class gate-keeper of Trichinopoly Junction S. I. Ry. Co." ?

(b) Is it a fact that there were some defalcations of the contents of insured letters delivered from the Terupati Post Office ?

(c) Will the Government be pleased to state the number of such letters and the value of contents lost ?

(d) Will the Government be pleased to state if the culprit has been detected ?

**Mr. H. A. Sams :** (a) No.

(b) Yes.

(c) Three, each for one hundred rupees.

(d) No. A postman who was suspected was transferred to another post office where he is being prosecuted in connection with another case.

**EXPENDITURE ON ROADS IN THE ST. THOMAS MOUNT CANTONMENT.**

2063. \***Haji S. A. K. Jeelani** : (a) Will the Government be pleased to state separately the total income for the past three years of the St. Thomas Mount Cantonment proper and the Bazaar Boundary division (**Sadar Bazaar**) of the said cantonment ?

(b) Will the Government be pleased to state the budget allotment for repairs and constructions of roads of the St. Thomas Mount Cantonment for the last three years ?

(c) Will the Government be pleased to state how much of this allotment had actually been spent for construction and repairs of roads in the Cantonment proper and the Bazaar Boundary division of the St. Thomas Mount Cantonment.

**Mr. E. Burdon** : The information required has been called for from the local military authorities. I will communicate it to the Honourable Member when it is received.

**RELIEF MEASURES FOR AREAS AFFECTED BY THE RECENT FLOODS.**

2064. \***Sardar V. N. Mutalik** : Will Government be pleased to state whether this Government intend to render any help towards the relief measures for the areas affected by recent floods, and the extent, and nature of the help ?

**Mr. J. W. Bhore** : The attention of the Honourable Member is drawn to the reply given to Mr. Bhubanananda Das' question No. 1905 on the same subject.

**APPOINTMENT OF ADDITIONAL JUDGES TO THE CALCUTTA HIGH COURT.**

2065. \***Mr. Kumar Sankar Ray** : (a) Will the Government be pleased to state whether any representation has been made by the Calcutta High Court for the appointment of additional Judges to the said High Court ?

(b) If so, what are the grounds advanced for such additional appointments ?

(c) Is congestion of work one of such grounds ? If so, will the Government be pleased to publish a comparative statement of the number of different kinds of cases instituted and disposed of by the High Court in the years 1905 and 1922 respectively ?

(d) Whether such congestion if any, is tending to increase or decrease since 1922 ?

**Mr. H. Tonkinson** : (a) Yes.

(b) and (c). The proposal is based on the ground of the accumulation of arrears. The Honourable the Chief Justice has expressed the view that although every effort is being made to reduce the arrears the Court with its present staff can barely keep abreast with current work, and that there is no hope of overtaking the arrears unless substantial additional assistance is given to the Bench. Statements containing the statistics asked for are laid on the table.

(d) The total pendency of suits was less on the 1st January 1924 than in the two preceding years.

APPENDIX.

Statement showing the arrears of work in the Calcutta High Court on the 1st July 1922 and 1st January 1923.

Original Side.	HALF YEAR ENDING THE 30TH JUNE 1922.				HALF YEAR ENDING THE 31ST DECEMBER 1922.				REMARKS.
	Pending on 1st Jan- uary 1922.	Instituted during the half year.	Total.	Disposed of.	Pending on 1st July 1922.	Instituted during the half year.	Total.	Disposed of.	
Original Suits .. ..	5,322	2,185	7,517	2,029	5,488	1,494	6,982	1,699	5,283
Insolvent cases .. ..	1,215	137	1,352	23	1,329	108	1,437	24	1,413
Miscellaneous cases ..	316	342	658	321	337	336	673	340	333
Totals for above periods ..	6,853	2,664	9,527	2,373	7,154	1,938	9,092	2,063	7,029

Statement showing the arrears of work in the Calcutta High Court on the 1st July 1922 and 1st January 1923.

Appellate Side ((Criminal)).	HALF YEAR ENDING THE 30TH JUNE 1922.				HALF YEAR ENDING THE 31ST DECEMBER 1922.				REMARKS
	Pending on 1st January 1922.	Instituted during the half year.	Total.	Admitted.	Rejected.	Disposed of	Pending on 1st July 1922	Instituted during the half year	
Appeals .. ..	48	342	390	72	274	77	39	330	369
References .. ..	19	61	80	..	..	73	7	66	73
Revision .. ..	102	602	704	274	319	387	88	797	885
Totals for the above periods.	169	1,005	1,264	346	593	537	134	1,193	1,327

Statement showing the arrears of work in the Calcutta High Court on the 1st July 1922 and 1st January 1923

Appellate Side (Civil).	HALF YEAR ENDING THE 30TH JUNE 1922.				HALF YEAR ENDING THE 31ST DECEMBER 1922.				REMARKS.
	Pending on 1st Jan- uary 1922.	Instituted during the half year.	Total.	Disposed of.	Pending on 1st July 1922.	Instituted during the half year.	Total.	Disposed of.	
First Appeals .. .	453	205	658	195	463	132	595	113	482
Second Appeals .. .	5,323	1,547	6,870	2,220	4,650	1,158	5,808	1,328	4,480
Miscellaneous cases ..	1,342	1,718	3,060	1,780	1,280	1,301	2,581	1,369	1,212
Totals for the above periods	7,118	3,470	10,588	4,195	6,393	2,591	8,984	2,810	6,174

Tabular statement showing the arrears of the Calcutta High Court on the 1st July 1905 and 1st January 1906.

	HALF YEAR ENDING 30TH JUNE 1905.				HALF YEAR ENDING 31ST DECEMBER 1905.				REMARKS.
	Pending on 1st Jan- uary 1905.	Instituted during the half year.	Total.	Disposed of.	Pending on 1st July 1905.	Instituted during the half year.	Total.	Disposed of.	
<i>Original side.</i>									
Original suits . . . . .	1,226	492	1,718	668	1,050	433	1,483	394	1,089
Insolvent suits . . . . .	183	131	314	117	197	119	316	88	228
Miscellaneous cases . . . . .	(b) 257	280	537	268	269	193	462	256	206
Total . . . . .	1,666	903	2,569	1,053	1,516	745	2,261	738	1,523
<i>Appellate Side.</i>									
(Civil).									
First appeals . . . . .	1,171	247	1,418	403	1,015	284	1,299	213	1,086
Second appeals . . . . .	5,191	1,320	6,511	2,745	3,766	1,329	5,095	1,514	3,581
Miscellaneous cases . . . . .	913	2,501	3,414	2,609	805	1,958	27,83	1,747	1,016
Total . . . . .	7,275	4,068	11,343	5,757	5,586	3,671	9,157	3,474	5,683

(b) According to the return for the first half of 1905.

	HALF-YEAR ENDING 30TH JUNE 1905.						HALF-YEAR ENDING 31ST DECEMBER 1905.						
	Pending on 1st January 1905.	Filed.	Total.	Admitted.	Rejected.	Disposed of.	Pending on 1st July 1905.	Filed.	Total.	Admitted.	Rejected.	Disposed of.	Pending on 1st January 1906.
<i>Appellate Side (Criminal)</i>													
Appal . . . . .	75	643	718	188	383	154	181	502	683	193	321	290	72
References . . . . .	21	54	75	..	..	56	19	56	75	..	..	62	13
Review on . . . . .	172	883	1,055	397	336	566	153	833	986	387	319	539	78
Total	268	1,580	1,848	585	719	776	353	1,391	1,744	570	640	941	163

**Mr. K. C. Neogy :** Have Government considered the desirability of establishing a City Civil Court for Calcutta ?

**Mr. H. Tonkinson :** That question, I think, was considered some years ago, but it has not been recently considered.

**Mr. K. C. Neogy :** Are Government aware that the Retrenchment Committee which was appointed to go into the expenditure of the High Court of Calcutta in their report recommended that the establishment

of a City Civil Court might be considered as a method of reducing the work of the Calcutta High Court ?

**Mr. H. Tonkinson :** I am prepared to take that as a statement of fact from the Honourable Member.

REPRESENTATION FROM SARBILAND KHAN, LATE SUB-INSPECTOR OF POLICE, DERA ISMAIL KHAN, AGAINST HIS DISMISSAL.

2066. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Have the Government of India received a representation addressed to His Excellency the Viceroy against the order dated 3rd April 1924 of the Honourable the Chief Commissioner, North-West Frontier Province, rejecting the appeal and confirming the order of the Inspector General of Police, dated 19th January 1924 dismissing one Sarbiland Khan late Sub-Inspector No. 7 in Dera Ismail Khan, or has the same been withheld under some executive authority by the local administration through whom it was submitted ?

**The Honourable Sir Alexander Muddiman :** The Government of India have received no such representation and have no information regarding the withholding of any such representation by the Chief Commissioner.

QUALIFICATIONS OF SARBILAND KHAN, LATE SUB-INSPECTOR OF POLICE, DERA ISMAIL KHAN.

2067. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that the dismissed Sub-Inspector Sarbiland Khan (a) possessed high educational qualifications having passed :

- (1) The Anglo-Vernacular Entrance Examination of the Punjab University.
- (2) The Patwari, and
- (3) Kanungo Examination of the Revenue Department, and
- (4) With credit the St. John Ambulance Examination.
- (5) Stood first among all the Punjab and Frontier Province candidates at the 1910 Upper Class Examination of the Phillour Police Training School ?

(b) Has he served Government for 22 years of which 16 years were in the police and is it a fact that for his good work he was promoted to the post of Sub-Inspector in 1915 and given his grade promotion in April 1923 ?

(c) Was he on several occasions granted commendation certificates and rewards for his meritorious services ?

**The Honourable Sir Alexander Muddiman :** The Government of India have no information.

CASE OF SARBILAND KHAN, LATE SUB-INSPECTOR OF POLICE, DERA ISMAIL KHAN.

2068. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** (a) Is it a fact that the main charge against Sarbiland Khan was that he did not properly investigate a case of grievous hurt on the nose with a stick which was eventually compromised and that he was also found fault with for not complying with the orders of the Inspector and Deputy Superintendent of Police to produce before them parties and witnesses in that case but it was proved that at the time when these orders reached the police station



he was working as a junior under his senior officer Sub-Inspector Basheshar Nath ?

(b) Was Mr. Cooks, Inspector General, to whom the papers were first sent up struck with the irrelevancies of the proceedings and did he in his order, dated 21st August 1923, direct further inquiry and was the Sub-Inspector as a result of that order reinstated ?

(c) How was it that no further inquiry was made by the Superintendent of Police in compliance with the above order and is it a fact that the Sub-Inspector was dismissed by Mr. Tomkins who succeeded as Inspector General on the first report referred to ?

(d) Did " C " or confidential reports form one of the chief reasons for the order dismissing the Sub-Inspector ?

(e) Is there a rule 17—3 in the Police Code issued by Government authority which lays down that " dismissal shall be awarded only for the gravest misconduct and in making such an award regard shall be held to the length of service of the offender and his claim to pension " ?

(f) If the answers to the above questions are in the affirmative and the facts on which they are based are correctly stated are the Government of India prepared to call for the papers and reconsider the case ?

**The Honourable Sir Alexander Muddiman :** (a) to (d). Government have no information.

(e) Yes, but the quotation is not quite accurate.†

(f) I am not prepared to call for the papers, since the case was one which the local Administration had full powers to dispose of.

OPERATION OF SECTIONS 211 AND 500 OF THE INDIAN PENAL CODE IN THE  
DERA ISMAIL KHAN DISTRICT.

2069. **\*Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that sections 211 and 500 of the Indian Penal Code do not operate in Dera Ismail Khan district of the N. W. F. Province ? If so, will the Government please state the reasons for which the following case was dismissed by the Deputy Commissioner :

Sardar Asad Jan Khan, son of Nawab Sahib Mohammad Afzal Khan Gandapur of Kulachi complainant *versus* Abdul Majid Khan, son of Mohammad Atal Khan Gandapur accused ; filed on 23rd January 1920. Charge under sections 211, 500 ?

**The Honourable Sir Alexander Muddiman :** The information required has been called for from the local Government and will be communicated to the Honourable Member when it is received.

DIFFERENCES BETWEEN KHASSADARS, SCOUTS AND *Chighawalas*.

2070. **\*Khan Bahadur Makhdum Syed Rajan Baksh Shah :** (a) Will the Government be pleased to state what is the difference between a Khassadar, a scout and a *Chighawala* ?

(b) What services are taken from them and what is given them in return per month ?

(c) What is " *Shahi Chigha* " ? Do the Government give anything to the persons who go on *Chigha* ?

† The words " under the black mark system or " should come in between the words " only " and " for ".

(d) If nothing is given them is it because of the fact that they live in the settled districts and are peaceful subjects ; or is it because of the fact that in order to save their lives and properties from the inroads of the raider they are given rifles by the Government ?

**Mr. Denys Bray :** (a) Khassadars are tribesmen (mainly trans-border) employed on a tribal basis for watch and ward on or across the border. They feed, clothe, house and arm themselves. Scouts are members of the North and South Waziristan Scouts which have replaced the old Militia units. They are provided with uniforms and arms and hold the more important posts in Waziristan which are not occupied by troops. A *Chighawala* is any member of a village pursuit party, who turns out as in duty bound by frontier village custom to drive off, or intercept, raiders attacking or threatening his own or a neighbouring village.

(b) Khassadars patrol and picket roads, furnish escorts, and help in preventing the passage of raiders. The duties of the Scouts are somewhat similar. The *Chighawala's* duties I have already specified. Khassadars get Rs. 20 to Rs. 30 monthly ; Scouts are paid at slightly lower rates than Sepoys. *Chighawalas* as such receive no pay.

(c) The term is not in current use. Though *Chighawalas* receive no regular pay, they are commonly rewarded if they render good service.

(d) Scouts and Khassadars receive pay as whole-time Government servants. *Chighawalas* are not Government servants at all, but are often armed with Government rifles.

#### *Bigar* IN THE GANDAPURI TRACT OF THE N. W. F. PROVINCE.

2071. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that *bigar* is rife in the Gandapuri tract ?

#### IRRIGATION WORK ON THE LUNI RIVER.

2072. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** (a) Will the Government be pleased to state when in the Gandapuri tract it was made a law that in future the irrigation work on the Luni river should be done on "*ragha*" instead of "*maujuda*" ?

(b) How many times was the dam at Madi village made an exception to the rule.

(c) Did the zamindar protest that the law has been broken by the officers themselves ? If so, was any heed paid to such protests ?

#### DAMS AND WATERWAYS IN THE GANDAPURI TRACT OF THE N. W. F. PROVINCE.

2073. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that (a) those dams and waterways which were admitted by the last settlement in the Gandapuri tract are disallowed by the irrigation department ; and (b) when to redress their grievances an application is sent to the present Revenue Assistant he takes months and months in deciding such cases ?

**Mr. J. W. Bhore :** The information is not available and has been called for from the local Administration.

**REPRESENTATION OF MUHAMMADANS IN THE INCOME-TAX DEPARTMENT OF THE PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.**

2074. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : (a) Will the Government be pleased to state the number of appointments held by Christians, Hindus, and Muhammadans as Assistant Commissioners, Income-tax officers, Inspectors and clerical assistants in the Income-tax Department of the Punjab and the North-West Frontier Province ?

(b) Will the Government be pleased to state the number of Christian, Hindu and Muhammadan assessors in these Provinces ?

(c) Will the Government be pleased to state why the proportion of the Muhammadans is so low in the Income-tax Department and what steps the Government propose to take in order to ensure proper representation for the Muhammadans ?

**The Honourable Sir Basil Blackett** : The information is being obtained and will be furnished to the Honourable Member in due course.

**RESULT OF THE STAFF SELECTION BOARD EXAMINATION HELD IN JUNE 1924.**

2075. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : (a) Will the Government be pleased to lay on the table a list of candidates who came out successful in the examination held by the Staff Selection Board at Simla in the end of June last ? How many of these successful candidates have so far been provided for ?

(b) Are the Government prepared to consider the question of notifying the names of those successful candidates who are not likely to be provided for by the Government of India, to Provincial Governments, so that they could have a chance of employment in Government offices sooner ?

**The Honourable Sir Alexander Muddiman** : (a) A copy of the list of outside candidates who passed the Staff Selection Board's examination held in June last is placed on the table. It is too early yet for any of the candidates to be provided with appointments.

(b) Copies of the list have been forwarded to Local Governments for publication in the local Gazettes if they consider it desirable. At the request of some Local Governments the names of the candidates in the list belonging to their provinces have also been communicated to them.

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No. F.-678-24-Public.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

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NOTIFICATION.

PUBLIC.

*Simla, the 20th August 1924.*

The names of the outside candidates who have qualified for employment in the Government of India Secretariat and in Attached offices as a result of the examination

held by the Staff Selection Board on the 28th and 30th June 1924 and the marks obtained by each candidate are hereby published for general information :

*List of candidates qualified for employment as stenographers in order of merit.*

Serial No.	Roll No.	Names.	Marks.	Speed per minute.
1	366	V. G. R. Aiyangar . . .	180*	140 words.
2	75	Dalip Singh Bhala . . .	378	140 "
3	365	V. Deraiswami . . .	356	100 "
4	329	Shankar Das Malik . . .	140*	100 "
5	249	Mohd. Siddiq . . .	321	100 "
6	245	Mohd. Yaqub . . .	320	100 "
7	335	Sita Ram . . .	316	100 "
8	340	Syed Mohammed Hussan . . .	292	100 "
9	10	Agam Prasad Mathur . . .	286	100 "
10	58	Brij Mohan Vaishya . . .	268	100 "
11	252	Muni Lal . . .	265	100 "
12	41	Barkat Ram Anand . . .	259	100 "
13	350	Sukhabindu Sen Gupta . . .	252	100 "
14	191	K. L. Talwar . . .	195	100 "

\* Indicates marks for stenography only. These candidates were exempted from the written examination as they had previously qualified.

*List of candidates qualified for employment as typists and routine clerks, in order of merit.*

Serial No.	Roll No.	Names.	Marks.
1	368	Miss Agnes Vieux . . .	303
2	267	Padam Nabh Joshi . . .	247
3	26	Avadh Narain Lal . . .	241
4	172	Kalwant Rai . . .	239
5	66	Chand Kishore . . .	223
6	112	Guranditta Mall Chopra . . .	221
7	113	Gurbaksh Singh . . .	221
8	33	Badri Datt Joshi . . .	214
9	28	Ayodhia Prasad . . .	210
10	25	Angshuman Banerjee . . .	209
11	60	Brij Bhushan Lal . . .	209
12	247	Mohammed Yusuf . . .	206
13	133	Hari Krishan Joshi . . .	208
14	53	Bibhuti Bhushan Datt . . .	203
15	357	Syed Ghalib Ali Shah . . .	202
16	243	Mohd. Yaqub Ahmad . . .	199
17	322	Shah Din . . .	198
18	261	Nazir Ahmad . . .	198
19	300	Ram Swaroop Sharma . . .	198
20	313	Sardari Lal . . .	192
21	93	Fazlur Rhaman . . .	192
22	332	Shiv Narain Saksena . . .	191
23	333	Shiv Shankar . . .	190
24	225	M. L. Dilvaria . . .	189

Serial No.	Roll No.	Names.	Marks.
25	360	Triloki Nath Gupta . . . . .	189
26	137	Harnam Dass . . . . .	186
27	324	Shah Mohamed Burney . . . . .	181
28	177	Kesar Singh . . . . .	180
29	179	Khushal Chand . . . . .	180
30	120	Gyan Chand (P. P. Jain) . . . . .	176
31	5	Abdul Wahid . . . . .	175
32	255	Mohammad Riaz Shah . . . . .	172
33	49	Bhagwati Prasad . . . . .	169
34	344	Sardar Mohd. . . . .	167
35	208	Mahboob Alam . . . . .	166
36	298	R. R. Kochhar . . . . .	161
37	188	Kishore Chand . . . . .	153
38	363	Tufail Mohammad . . . . .	151
39	337	Sita Ram Kaistha . . . . .	146
40	380	Sharifur Rahman Khan . . . . .	144

T. SLOAN,

*Deputy Secretary to the Government of India.*

#### REPRESENTATION OF MUHAMMADANS IN THE OFFICE OF THE DISTRICT TRAFFIC SUPERINTENDENT, QUETTA, NORTH-WESTERN RAILWAY.

2076. **\*Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Has the notice regarding the number of Muslims employed in the office of the D. T. S., Quetta, published in the issue of 17th August 1924, of the *Muslim Outlook*, come to the notice of the Government ? If so, do the Government propose to take steps to give adequate representation to the Muslim community in the staff of the office of the D. T. S., Quetta ?

**Mr. C. D. M. Hindley** : Government have not seen the notice quoted, but in this connection the Honourable Member is referred to the reply in respect to a similar representation given to Chaudhri Bahawal Baksh on the 20th March 1924.

#### PROPOSED CONSTRUCTION OF THE ODERO LAL-SAKRAND LIGHT RAILWAY.

2077. **\*Mr. Harchandrai Vishindas** : (a) Is it a fact that Government replied to the application of Messrs. Forbes, Forbes, Campbell & Co., Ltd., of Karachi for sanction to build the Odero Lal-Sakrand Light Railway that the Government had no objection to the construction of the line by the company but that the Government were not prepared to grant any concessions for survey or construction ?

(b) If so, will Government be pleased to state the reasons for such refusal ?

(c) Is it a fact that in the past such concessions were granted as a matter of course ?

**Mr. C. D. M. Hindley** : (a) The reply given to Messrs. Forbes, Forbes, Campbell and Co. in April last about the proposed Odero Lal-Sakrand Light Railway was that the Board had no objection to the construction of the proposed line, but were not prepared to undertake the survey.

or if the construction of the railway were eventually decided upon to grant any concession under the branch line terms of 1913.

(b) The reason for that reply was that the branch line terms of 1913 are at present in abeyance.

(c) It is not correct to say that in the past such concessions were granted as a matter of course. Proposals submitted by the promoters of such branch lines were subjected to careful examination before concessions were granted under those terms.

**Mr. Harchandrai Vishindas :** May I inquire whether in this case there is any chance of these feeder lines coming into existence ? Have the Government come to a conclusion ?

**Mr. C. D. M. Hindley :** In this particular case I think it is a matter for the Local Government to take up and if they do so, I have no doubt that we shall consider any representation they send to us on the subject.

**Mr. Harchandrai Vishindas :** Is the Honourable Member in a position to come to a conclusion as to whether these lines would be financially paying in the long run ? Has that question been taken into consideration by the Government ?

**Mr. C. D. M. Hindley :** I am speaking from memory, perhaps not perfect memory. But in regard to this case my impression is that it is not what we call a remunerative project.

#### ENCOURAGEMENT OF PRIVATE ENTERPRISE FOR THE CONSTRUCTION AND WORKING OF BRANCH AND FEEDER RAILWAY LINES.

2078. **\*Mr. Harchandrai Vishindas :** (a) Have the Government of India in their Railway Department modified their former policy of encouraging private enterprise for the construction and working of branch and feeder lines ?

(b) Did such modification aim at the State's in preference to private companies' financing of such lines ?

(c) If so, are Government in adequate funds to carry out all such schemes as private companies have offered to undertake ?

(d) Have Government invited and received opinions from the various Chambers of Commerce and is it a fact that the Chambers have favoured the view that the usual concessions should be granted and private enterprise encouraged ?

**Mr. C. D. M. Hindley :** (a) and (b). The question of modifying the previous branch line policy in accordance with the recommendations in paragraphs 177-180 of the report of the Acworth Committee is under consideration.

(c) Government do not anticipate any difficulty in providing funds for such branch lines as are likely to prove remunerative. It is, of course, only such lines that private companies would be prepared to take up.

(d) The opinions of Provincial Governments were asked but not those of Chambers of Commerce. It is understood, however, that

certain Provincial Governments consulted firms interested in branch line companies.

**Mr. Harchandrai Vishindas :** If a company undertakes to construct a line, if it is unremunerative that loss will not fall on the Government. It will fall on the company. Am I right ?

**Mr. C. D. M. Hindley :** I have no doubt the Honourable Member is correct, but at the same time I cannot conceive of a public company undertaking to construct a line which is obviously going to be unremunerative.

**Mr. Harchandrai Vishindas :** Exactly. If the public company undertakes to construct the line, it may be presumed that the company thinks it to be remunerative and may be permitted to do so.

**Mr. C. D. M. Hindley :** I think that is a hypothetical question.

#### ENCOURAGEMENT OF PRIVATE ENTERPRISE FOR THE CONSTRUCTION OF LIGHT RAILWAYS.

2079. **\*Mr. Harchandrai Vishindas :** (a) Are Government aware that it was at the earnest solicitations of the people who would be served by the Odera-Lal-Sakrand Light Railway that Messrs. Forbes, Forbes, Campbell & Co., Ltd., undertook its construction ?

(b) Are Government aware that the Province of Sindh has been long suffering from great lack of communications ?

(c) Has it come to the knowledge of Government of India that when the attention of H. E. Sir George Lloyd, the late Governor of Bombay, was drawn to this drawback in an address presented to him in early January 1923, his reply was that he considered the construction of light railways to be the proper remedy ; and that in default of Local Boards shouldering the responsibility of constructing such railways, private enterprise should be warmly encouraged ?

(d) If so, do Government propose to translate into action the hope held out by His Excellency ?

**Mr. C. D. M. Hindley :** (a); (b) and (c). The reply is in the negative.

(d) There is nothing to prevent the hope stated to have been held out by His Excellency the Governor of Bombay in January 1923 being realised, and the Government of India have stated in reply to the only application they have received in regard to the construction of the Light Railway in question that they have no objection to the construction of the line.

**Mr. Harchandrai Vishindas :** Might I inquire whether any communication has been received from that company as to whether they intend to construct the line, or have any conditions been imposed upon them by Government which they are not prepared to accept ? What is the position now ?

**Mr. C. D. M. Hindley :** The position is as I have already stated. I do not think any recent application has been received so far as I can remember.

CAPACITY OF RAILWAY WORKSHOPS FOR GENERAL REPAIR AND REHABILITATION WORK.

2080. \***Mr. W. S. J. Willson** : Will Government be pleased to state what is the capacity of the workshops attached to each railway system with regard to :

- (a) repair of locomotives,
- (b) repair of wagons,
- (c) manufacture of spare parts for wagons,
- (d) general repair and rehabilitation work ?

\* **Mr. C. D. M. Hindley** : The information asked for in (a) and (b) is being collected and will be supplied to the Honourable Member on receipt ; also the information with regard to (c) if it is possible to obtain it.

(d) If the Honourable Member will suggest the unit on which the capacity of workshops for general repair and rehabilitation work can be calculated, I will see whether it is possible to obtain the information for him.

RESOLUTION *re* RUPEE TENDERS FOR THE PURCHASE OF STORES.

2081. \***Mr. W. S. J. Willson** : Will Government be pleased to state :

- (a) What action they have taken on the resolution of Mr. M. A. Jinnah as amended, which the Assembly passed at the Delhi session recommending that Rupee tenders should be called for all State purchases in this country ;
- (b) The capital outlay on the workshop of each railway system in India and what additional outlay is expected to be made in the next five years ?

**The Honourable Mr. A. C. Chatterjee** : (a) The question is receiving consideration and the Honourable Member will realize that it has to be examined in many complicated aspects.

(b) I place on the table two statements giving the information so far as available.

I

*Statement showing capital outlay on workshops including stores buildings on each line of State railways whether worked by Coy. or State incurred from commencement of operations or from date of purchase in the case of railways purchased from the old Guaranteed Railway Companies to end of 31st March 1924.*

Railways.	Outlay to end of 1923-24 Rs.
North Western .. .. .	2,54,48,229
Oudh and Rohilkhand .. .. .	59,86,643
Assam Bengal .. .. .	34,01,322
Bengal Nagpur .. .. .	1,32,77,016
Burma .. .. .	49,23,823
Bombay, Baroda and Central India .. .. .	1,11,21,571
East Indian .. .. .	1,62,54,861
Great Indian Peninsula .. .. .	1,43,54,478
South Indian .. .. .	84,71,564
Eastern Bengal .. .. .	Information not available.
Madras and Southern Mahratta .. .. .	Information not available.



## II.

*Statement showing additional capital outlay proposed to be incurred on the workshops of each railway system during the five years 1924-25 to 1928-29.*

Railway.	Capital. Rs. (Lakhs).
Assam Bengal Railway .. ..	23.11
Bengal and North Western Railway .. ..	1.00
Bengal Nagpur Railway .. ..	54.23
Burma Railways .. ..	15.09
Bombay, Baroda and Central India Ry. .. ..	224.45
East Indian Railway .. ..	131.93
Eastern Bengal Railway .. ..	56.58
Great Indian Peninsula Railway .. ..	165.35
Madras and Southern Mahratta Railway .. ..	189.65
North Western Railway .. ..	93.88
Oudh and Rohilkhand Railway .. ..	151.85
Rohilkund and Kumaon Railway .. ..	..
South Indian Railway .. ..	189.09
Total .. ..	<u>1,297.11</u>

**Mr. Bhubanananda Das :** May I know if Government communicated this Resolution to the Secretary of State and what the opinion of the Secretary of State on the Resolution was ?

**The Honourable Mr. A. C. Chatterjee :** The Government of India have not yet communicated with the Secretary of State on this subject.

**Diwan Bahadur M. Ramachandra Rao :** May I ask the Honourable Member when the Government are likely to come to a decision in regard to part (a) of this question ?

**The Honourable Mr. A. C. Chatterjee :** As soon as possible.

**Diwan Bahadur M. Ramachandra Rao :** May I know what that means ? Sometimes matters remain pending with Government for five or six years.

**The Honourable Mr. A. C. Chatterjee :** I do not think this question has been pending for five or six years.

#### PROVISION OF QUARTERS FOR EUROPEAN, ANGLO-INDIAN AND INDIAN GUARDS OF THE EASTERN BENGAL RAILWAY STATIONED AT SEALDAH.

2082. **\*Mr. Amar Nath Dutt :** Will the Government be pleased to state how many European, Anglo-Indian and Indian guards of the E. B. Railway stationed at Sealdah are provided with quarters ?

**Mr. C. D. M. Hindley :** 46 European and Anglo-Indian guards of the Eastern Bengal Railway stationed at Sealdah are provided with railway quarters, while no Indian guards stationed there are provided with railway houses.

**Diwan Bahadur T. Rangachariar :** When will the railway companies cease to make this distinction ?

**Mr. C. D. M. Hindley :** Sir, I am aware that the answer as I have given it implies a discrimination. It is not so in fact. The provision of quarters for railway employees depends on the available supply of quarters in the neighbourhood. There are places where it is not necessary to supply any quarters ; there are other places where it is

essential that they should be provided. I think any one who knows conditions of life in Calcutta will realize at once that there can be no difficulty for Indian guards in obtaining quarters. I would also like to qualify what I have said in my reply with the remark that these quarters are not free quarters ; the occupants pay rent for them.

**Mr. Amar Nath Dutt :** Were there not repeated memorials submitted to the authorities for free quarters for Indian employees ?

**Mr. C. D. M. Hindley :** I am not aware at the moment of any such memorial having been sent up. If they asked for free quarters I have no doubt we refused to give them.

**Mr. K. C. Neogy :** What return do Government get for these quarters ?

**Mr. C. D. M. Hindley :** I am not in a position to say in regard to these particular quarters.

**Mr. K. C. Neogy :** Is recovery made according to scale of pay or on the value of the house ?

**Mr. C. D. M. Hindley :** I think I must ask for notice. I am not prepared to give details of these calculations at the moment.

**Mr. K. C. Neogy :** Will it be true to say that the rent is merely nominal in most cases ?

**Mr. C. D. M. Hindley :** No, Sir, it is based on certain calculations in regard to size and the class of house.

**Mr. A. Rangaswami Iyengar :** May I know the principle on which these calculations are made ?

**Mr. C. D. M. Hindley :** I cannot say, Sir.

#### PROVISION OF QUARTERS FOR THE MINISTERIAL AND STATION STAFF OF THE EASTERN BENGAL RAILWAY AT CALCUTTA.

2083. **\*Mr. Amar Nath Dutt :** Will the Government be pleased to state how many of the ministerial staff and station staff of the E. B. Railway at Calcutta are provided with quarters ?

**Mr. C. D. M. Hindley :** No members of the ministerial staff of the Eastern Bengal Railway at Calcutta are provided with Railway quarters, while 42 members of the station staff there are provided with railway quarters.

#### ELECTRIC INSTALLATIONS AND WATER TAPS IN QUARTERS IN CALCUTTA FOR EUROPEAN, ANGLO-INDIAN AND INDIAN STAFF OF THE EASTERN BENGAL RAILWAY.

2084. **\*Mr. Amar Nath Dutt :** Will the Government be pleased to state how many quarters in Calcutta for Indian, European and Anglo-Indian staff of the E. B. Railway are fitted with electric lights and fans and how many water taps are given in each quarter for Europeans and Anglo-Indians and how many for Indians ?

**Mr. C. D. M. Hindley :** 68 European and Anglo-Indian quarters in Calcutta are fitted with electric installations. No Indian quarters are so fitted. Two water taps are provided in each quarter for Europeans and Anglo-Indians and one in each quarter for Indians.

Electric Installations are provided for staff drawing Rs. 150 or more per month.

**Mr. Amar Nath Dutt :** Is it a fact that even arrangements for watering gardens are in many cases made in the case of European quarters ?

**Mr. C. D. M. Hindley :** I do not happen to know the locality very well, Sir, and I cannot say whether water is used in the gardens. I am not sure whether there are any gardens there.

**Khan Bahadur W. M. Hussanally :** On what principle is electricity supplied to people getting Rs. 150 and not to those getting below that figure ?

**Mr. C. D. M. Hindley :** The principle is, Sir, that electric installations, as I have already said, are provided for staff drawing a pay of Rs. 150 and above, a purely arbitrary figure.

**Khan Bahadur W. M. Hussanally :** Why is not supplied to those getting below that figure ?

**Mr. C. D. M. Hindley :** Obviously, Sir, those railway servants drawing less than Rs. 150 would not be able to pay for the current supplied. It is perfectly obvious I think.

**Mr. K. C. Neogy :** Is it not a fact that this salary limit excludes a large majority of Indian employees of the railways ?

**Mr. C. D. M. Hindley :** The ratio of employees drawing Rs. 150 and under to those drawing over Rs. 150 is a very large figure indeed, and therefore by implication the Honourable Member's question must be answered in the affirmative.

**Khan Bahadur W. M. Hussanally :** Has the Honourable Member any idea as to the cost per lamp per month ?

**Mr. C. D. M. Hindley :** No, Sir, I might guess, but the guess would not be worth much.

**Khan Bahadur W. M. Hussanally :** Will it not be only a few annas, less than a rupee per month ?

**Mr. C. D. M. Hindley :** I have not the slightest idea. I know my own bill is more than a few annas a month.

**Khan Bahadur W. M. Hussanally :** I believe it will be only six annas and even those employees who get below Rs. 150 can easily afford it.

#### GRANTS MADE BY THE EASTERN BENGAL RAILWAY TO SCHOOLS FOR EUROPEANS, ANGLO-INDIANS AND INDIANS.

2085. **\*Mr. Amar Nath Dutt :** (a) Will the Government be pleased to state how many schools for Europeans, Anglo-Indians and Indians are there aided by the E. B. Railway ?

(b) What amount was paid by the E. B. Railway as aid to schools for Europeans and Indians in 1922 and 1923 ?

(c) Will the Government be pleased to state if there is any difference in the payment of aids to schools for children of employees of State Railways ?

(d) If so, will the Government be pleased to state what is the difference and the reason for such difference ?

**Mr. C. D. M. Hindley :** The information has been called for and will be furnished to the Honourable Member when received.

**Mr. Gaya Prasad Singh :** Will the information be laid on the table of the House ?

**Mr. C. D. M. Hindley :** I have no objection, Sir.

GRANTS FROM THE FINE FUND ON THE EASTERN BENGAL RAILWAY TOWARDS  
RECREATION CLUBS OF THEIR EMPLOYEES.

2086. **\*Mr. Amar Nath Dutt :** (a) Will the Government be pleased to state if there is any Fine Fund in the E. B. Railway ?

(b) If so, will the Government be pleased to state if any portion of it was spent on ball dances ? If so, what is the amount for 1922 and 1923 respectively ?

**Mr. C. D. M. Hindley :** (a) Yes.

(b) Grants of Rs. 10,175 and Rs. 11,661 were made in 1922-23 and 1923-24 respectively towards recreation clubs maintained for the benefit of the employes. The Committees of the clubs are responsible for spending these grants.

**Mr. Amar Nath Dutt :** I beg to know whether any special amount is spent for ball dances ?

**Mr. C. D. M. Hindley :** I do not know, Sir.

**Mr. Amar Nath Dutt :** Will the Honourable Member be pleased to inquire ?

**Mr. C. D. M. Hindley :** No, Sir.

**Mr. Amar Nath Dutt :** Is any portion of this fund spent for Indian employees ?

**Mr. C. D. M. Hindley :** The grants are made, I believe, to recreation clubs run for the benefit of Indian employees and for European employees.

**Khan Bahadur W. M. Hussanally :** May I know whether the Honourable Member did actually make an inquiry as regards the specific question asked ?

**Mr. C. D. M. Hindley :** No, Sir. I made no such inquiry. I have already said that the committees of the clubs are responsible for spending these amounts. We do not propose to take charge here from Simla of the direct management of these recreation clubs.

**Mr. Amar Nath Dutt :** Will the Honourable Member be pleased to inquire whether any money out of this fund was spent for immoral purposes such as dances ?

(Cries of " Order, order ".)

**Mr. Chaman Lall :** Is it a fact that the grants to these clubs allowed for Europeans is more than that allowed to Indians ?

**Mr. C. D. M. Hindley :** I am not in a position to answer that categorically, Sir, but feel quite safe in saying that there is no such preference given.

**Khan Bahadur W. M. Hussanally :** Are Indian employees of railways represented upon these committees which have the disposal of the funds ?

**Mr. C. D. M. Hindley :** Undoubtedly, Sir. Where a recreation club is run for the benefit of Indians the Indians are represented on the committee.

**Mr. Gaya Prasad Singh :** Considering the serious nature of the implications involved in this question, do Government propose to make an inquiry ?

**Mr. President :** The Honourable Member has no sense of proportion. I am very doubtful whether this has any public interest whatever.

#### REAPPOINTMENT OF RETRENCHED EUROPEANS, ANGLO-INDIANS AND INDIANS ON THE EASTERN BENGAL RAILWAY.

2087. **\*Mr. Amar Nath Dutt :** Will the Government be pleased to state how many new hands have been appointed after the retrenchment and how many retrenched hands have been reappointed in the E. B. Railway and how many of them are Europeans, Anglo-Indians and Indians ?

**Mr. C. D. M. Hindley :** It is not possible to give the information asked for, but the Honourable Member is referred to Annexures A and B to the explanatory Memorandum of the Railway Budget for 1924-25. Similar information is being collected showing the figures of variation in the staff up to April 1924 and these will be published in the forthcoming Administration Report.

#### APPOINTMENT OF AN ANGLO-INDIAN ASSISTANT STATION MASTER TO OFFICIATE AS TRAFFIC INSPECTOR, LALMONIRHAT, ON THE E. B. RAILWAY.

2088. **\*Mr. Amar Nath Dutt :** (a) Are the Government aware that the District Traffic Superintendent, Lalmonirhat of the E. B. Railway recently appointed an Anglo-Indian Assistant Station Master to officiate in place of Traffic Inspector No. 1 Lalmonirhat ?

(b) If so, will the Government be pleased to state if it is a fact that the officiating man has only joined the post of Assistant Station Master about a month from the list of guards ?

(c) If so, will the Government be pleased to state the reason for not putting any one from the rank of Indian Station Masters who have a good record of service ?

**Mr. C. D. M. Hindley :** (a), (b) and (c). Government have no information. The matter is one which it is within the competence of local Railway officials to decide.

#### BUILDING OF RAILWAY QUARTERS NEAR A GRAVEYARD AT KURIGRAM ON THE EASTERN BENGAL RAILWAY.

2089. **\*Mr. Amar Nath Dutt :** (a) Are the Government aware that the E. B. Railway has acquired a plot of land at Kurigram to shift the present Kurigram railway station ?

(b) If so, will the Government be pleased to state if the land is on the side of a Muhammadan running graveyard ?

(c) If so, will the Government be pleased to state if any objection was raised by the staff to live in quarters to be built near the graveyard ?

(d) If so, will the Government be pleased to state if any land is available on the southern side of the present railway line ?

(e) If so, will the Government be pleased to state if they have selected a site for staff quarters in the newly acquired land ?

(f) If so, will the Government be pleased to state what is the distance between the graveyard and the site for staff quarters ?

**Mr. C. D. M. Hindley :** (a), (b) and (c). Yes.

(d) It is not known whether any land is available on the southern side of the present railway line.

(e) Yes, but it is understood that the selected site is as far as possible from the nearest edge of the graveyard.

(f) Government are informed that the nearest quarters will be 75 ft. from the edge of the graveyard.

#### QUALIFICATIONS AND PAY OF MUNSIFFS IN THE PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

2090. \* **Mr. Abdul Haya :** 1. Is it a fact that previous to the year 1923 the Munsiffs in the Punjab and North-Western Frontier Province used to get Rs. 200 to 300 as their graded pay and were treated as members of the Subordinate Judicial Service ?

2. Is it a fact that the Munsiffs in the Punjab who are now called Sub-Judges have been brought on to the Provincial cadre since January 1923 and their graded pay has been fixed at Rs. 300—30—850 ?

3. Is it a fact that the Munsiffs in the North-Western Frontier Province are still members of the subordinate service and are getting the same old rate of pay, i.e., Rs. 200—300.

4. Is it a fact that the Munsiffs in the North-Western Frontier Province are required to pass the same departmental test as is prescribed for the Sub-Judges in the Punjab ?

5. If the answer to parts Nos. 1 to 4 be in the affirmative will the Government please state the reasons as to why the Munsiffs in the North-West Frontier Province have been differently treated in this matter ?

6. Are the Government prepared to promote the Munsiffs in the North-West Frontier Province to the Provincial Service and increase their salaries and also to grant them arrears from January 1923 ?

**Mr. Denys Bray :** 1, 2, 3 and 4. Yes.

5 and 6. The present Munsiffs do not possess the same educational qualifications as their confrères in the Punjab. The question of insisting on the same qualifications and of applying the same scale of pay is under consideration.

**Khan Bahadur Sarfaraz Hussain Khan :** Why are Munsiffs in the North-West Frontier Province paid less than those in the Punjab ? Why this difference ?

**Mr. Denys Bray :** It is a matter of history, Sir.

### INCREASE IN THE NUMBER OF MUNSIFFS IN THE NORTH-WEST FRONTIER PROVINCE.

2091. \* **Mr. Abdul Haye** : (a) Is it a fact that most of the districts of the North-West Frontier Province have only one Munsiff stationed at the head-quarters of the district, while in the Punjab a Munsiff has been provided for almost every Tehsil ?

(b) Is the Government aware that in the North-West Frontier Province the litigant public of villages find it very inconvenient to come to the head-quarters of the districts for their cases as very often they have to travel long distances over dangerous and bad roads ?

(c) Is it a fact that in the North-West Frontier Province there are at present only eight posts of Munsiffs ?

(d) Are the Government prepared to increase the number of Munsiffs in the North-West Frontier Province ?

(e) What is the total number of accepted candidates for the post of Munsiffs in the North-West Frontier Province ?

(f) Is it a fact that in most cases such candidates have to wait for five or more years before they are taken into service ?

**Mr. Denys Bray** : (a) Munsiffs in the North-West Frontier Province are stationed as follows :—Peshawar 2, Mardan 1, Abbottabad 1, Haripur 1, Kohat 1, Dera Ismail Khan 1, Bannu 1, total 8, for five districts and sixteen tahsils.

(b) Government are aware of the difficulties referred to.

(c) Yes.

(d) Government are not at present prepared to increase the number of Munsiffs in the North-West Frontier Province as they consider a larger establishment would in the present circumstances be extravagant.

(e) Twenty-two.

(f) Yes, candidates have to wait many years before appointment.

**Khan Bahadur Sarfaraz Hussain Khan** : Can Government not improve the qualifications of the Munsiffs ?

**Mr. Denys Bray** : On our list of candidates there are excellent Munsiffs available.

### TRANSFER OF THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, TO DELHI.

2092. \* **Mr T. C. Goswami** : (a) When is the Jukes Committee's Scheme expected to mature ?

(b) Is it a fact that the office of the Accountant General of Central Revenues is going to be removed to Delhi early in October ?

(c) If so, have the clerks who are to go to Delhi been selected and informed that they have to go to Delhi ? Do the Government propose to give such clerks timely notice to enable them to make arrangements ?

(d) Have any concessions and allowances, permanent or temporary, been granted to those clerks who are to go to Delhi ?

(e) Are Government prepared to consider the advisability of postponing this removal to Delhi pending the Jukes Committee Scheme maturing ?

(f) Are Government prepared to consider the advisability of assigning men to the provincial branch in the province to which they belong ?

(g) Is it not a fact that the conditions of service of the men (except those of recently appointed men) do not render them liable to transfers, and that their salaries are not on an All-India basis ?

**The Honourable Sir Basil Blackett :** (a) There is no "Jukes Committee." Strictly speaking the rest of the question does not arise but I may inform the Honourable Member that Mr. Jukes is an officer on special duty in the Finance Department with two assistants. As a result of his investigations, various experiments in the separation of audit from accounts are in progress, or are shortly to be in progress, in various parts of India. The date of the conclusion of the special duty must depend upon the results of these experiments.

(b) Yes.

(c) The whole staff will move to Delhi except a portion to be selected within the next few days which will remain in Calcutta. This position is known to the staff.

(d) The Auditor General's proposals regarding the concessions to be granted to the staff which will be transferred to Delhi are at present under consideration.

(e) After full consideration of all the circumstances involved, it has been decided to remove the office in October next.

(f) Of the staff which will be transferred to Delhi in October next, there is no likelihood of any considerable number being retransferred to Calcutta in connection with Mr. Jukes' scheme. If and when the scheme is extended to the provincial accounts in Bengal, men from the office of the Accountant General, Bengal, will have the first claim for transfer to the separate provincial accounts branch.

(g) The clerks and Subordinate Accounts Service men are not liable to transfers (except that the latter are liable to transfer to the Auditor General's office), and their salaries are not on an All-India basis. These facts have been taken into account by the Auditor General in framing his proposed concessions.

#### FRANCHISE FOR WOMEN.

**2093. \* Mr. Bhubanananda Das :** (a) Have Government received a memorandum from Indian women at Simla on the question of women franchise ?

(b) Do Government intend to advise the Reforms Inquiry Committee to inquire into the question of women franchise and to call for evidence of representative Indian women on the question of women franchise ?

**Mr. H. Tonkinson :** (a) No.

(b) and (c). The question is one for the Committee to determine, but the Honourable Member will presumably have learnt from the press that a representative of the Indian ladies of Simla gave evidence before the Committee on the 26th August.



**ALLEGED DISCOURTESY OF GOVERNMENT OFFICERS TO INDIAN WOMEN.**

2094. \***Mr. Bhubanananda Das** : (a) Are Government aware of the general tone of discourtesy of some of their officers to Indian womanhood exhibited all over the country ?

(b) Do Government propose to adopt means to prevent repetition of such acts of discourtesy to Indian women ?

(c) Have Government considered the advisability of employing the services of their C. I. D. branch to collect statistics of discourtesy and insults to Indian womanhood offered by their officers ?

**Mr. H. Tonkinson** : (a) to (c). Government have every reason to believe that there is no truth whatever in the statement in part (a) of the question and consider it needless to devise remedies for imaginary evils.

**COST OF PRODUCTION OF THE "MORAL AND MATERIAL PROGRESS REPORT."**

2095. \***Mr. M. S. Aney** : Will the Government be pleased to state :

(a) What cost is incurred for publishing a statement for presentation to Parliament in accordance with section 26 of the Government of India each year from 1921-22 to 1923-24 ?

(b) Whether the report prepared by the officer entrusted with the task, is examined carefully by the Government of India or the Secretary of State before it is published and presented to Parliament ?

(c) If so what person or persons official or non-official were entrusted with the duty during each of the following years :

1921-22 and 1922-23 ?

**Mr. H. Tonkinson** : (a) No accurate statement of cost can be given, since the preparation and publication of the Report is one among the many functions of the office of the Director of Public Information. The cost of printing, after deduction of the proceeds from sales, was about Rs. 5,500 for the 1920 Report and about Rs. 4,500 for the 1921-22 Report. The complete figures for later years are not immediately available.

(b) and (c). The Report is scrutinised by officers of the different Departments of the Government of India and also in the India Office before publication or presentation to Parliament. Neither the Government of India nor the Secretary of State accepts responsibility for any particular expression of opinion.

**Mr. M. S. Aney** : Are Government aware that the views expressed in this publication are frequently quoted in the British Press and Parliament as being the views of the Government of India ?

**Mr. H. Tonkinson** : I believe that is a fact, Sir.

**Mr. M. S. Aney** : If these notes are scrutinized, as is admitted, and if the Government of India are not willing to subscribe to the accuracy of these notes and in view of the affirmative answer just given, what remedy have the Government of India to prevent themselves from being misrepresented in the British Press ?

**Mr. H. Tonkinson** : I think, Sir, that is a hypothetical question.

**Mr. C. Duraiswami Aiyangar** : Is the Report for 1923-24 ready ?

**Mr. H. Tonkinson :** I am afraid I do not know, Sir.

**Mr. C. Duraiswami Aiyangar :** Will the Honourable Member get the information from Mr. Rushbrook Williams?

**Professor L. F. Rushbrook-Williams :** The 1923-24 Report after being scrutinized by the Secretary of State and the Government of India is being printed at the present moment. There has been a certain amount of delay this year owing to the adoption of the revised procedure which enables the Secretary of State to pass the final proofs of the Report before it goes to Press.

**Mr. C. Duraiswami Aiyangar :** Will Government be pleased to present that Report before this Assembly before it is submitted to Parliament?

**Mr. H. Tonkinson :** The Report, Sir, is required to be submitted to Parliament under the provisions of the Government of India Act. I do not think it can very well be laid before this Assembly before it is presented to Parliament.

**Mr. C. Duraiswami Aiyangar :** May I know whether there is anything in the constitution to prevent its being placed before the Assembly and getting its approval?

**Mr. H. Tonkinson :** I should like notice of that question.

#### PREFATORY NOTE TO "INDIA IN 1922-23."

2 P. **\*Mr. M. S. Aney :** (a) (i) What department of the Government of India is responsible for the "Prefatory Note" to the report styled "India in 1922-23" by Professor L. F. Rushbrook-Williams, C.B.E.?

(ii) Is the attention of the Government of India drawn to the following passage in the prefatory note to the above book:

"But it must not be understood that approval of the Secretary of State or of the Government of India extends to every particular expression of opinion"?

**Mr. H. Tonkinson :** (a) (i). The prefatory note to "India in 1922-23" was inserted at the instance of His Majesty's Secretary of State for India.

(ii) Government are aware of the passage.

**Mr. M. V. Abhyankar :** Are the Government going to publish a statement showing what passages in that publication the Government of India are not in agreement with?

**Mr. H. Tonkinson :** No, Sir.

**Mr. M. V. Abhyankar :** Are the Government going to instruct the editor concerned hereafter not to publish any passages in that publication with which either the Government of India or the Secretary of State will not be in agreement?

**Mr. H. Tonkinson :** No, Sir.

#### THE BUREAU OF PUBLIC INFORMATION.

2097. **\*Mr. M. S. Aney :** (a) Will the Government be pleased to state whether the publicity officers on duty in different provinces are under the control of the Director of Public Information, Government of India, as regards their duties in respect of publicity?

(b) Will the Government be pleased to publish the list of all the officers in this Department and the amount of their salaries ?

(c) Will the Government be pleased to publish the costs incurred by the Government of India for carrying on the work of publicity during the years 1922-23, 1923-24 and the year 1924 to the end of July ?

**Mr. H. Tonkinson :** (a) No.

(b) The names of the two officers of the Bureau of Public Information, with their salaries, are given below :

	Rs.
<b>Professor L. F. Rushbrook-Williams, C.B.E.,</b>	
Director .. .. .	2,000—50—2,250
<b>Mr. R. S. Bajpai, O.B.E., Assistant</b>	
Director .. .. .	1,200—50—1,400

(c) The actual cost incurred by the Government of India on the Bureau of Public Information which carries on publicity on All-India subjects has been approximately as follows :

	Rs.
1922-23 .. .. .	1,48,320
1923-24 .. .. .	1,07,369
1924-25 up to the end of July .. .. .	49,292

These figures do not include cost of printing† which is not met from the Director's budget and is not readily available.

**Diwan Bahadur T. Rangachariar :** May I ask what has happened to the proposal made by the Publicity Board that Indian graduates should be trained in this publicity work ?

**Mr. H. Tonkinson :** I must ask for notice of that question, Sir.

**Professor L. F. Rushbrook-Williams :** I think I can answer that question, Sir, if you will allow me, and explain what has happened to the proposal. The proposal was made prior to the Retrenchment Committee's report, and as a consequence of the general reductions recommended by the Lord Incheape's Committee, the very small budget of the Bureau of Public Information had to bear its share of the reductions made in the Home Department budget. Hence it was no longer found possible to give effect to the proposal. The Finance Department would not find the money.

**Diwan Bahadur T. Rangachariar :** Will the Finance Department be again approached in view of its extravagant resources now ?

**The Honourable Sir Basil Blackett :** If I may answer that question, Sir, if I am approached on the ground of extravagant funds, I shall have to say "No" at once.

#### PUBLICATION OF OFFICIAL CORRESPONDENCE REGARDING THE DEADLOCK IN THE CENTRAL PROVINCES.

2098. **\*Mr. M. S. Aney :** Will the Governor General in Council be pleased to publish the correspondence regarding the situation in the Central Provinces created by the resignation of the Ministers and the refusal of supplies by the Council, between :

- (i) Central Provinces Government and the Secretary of State,
- (ii) Government of India and the Secretary of State,
- (iii) Central Provinces Government and the Government of India ?

† Printing charges are met from the budget of the Controller of Printing, etc.

**Mr. H. Tonkinson :** Government are unable to accede to the request of the Honourable Member.

**Mr. M. V. Abhyankar :** Will Government be pleased to tell us what action the Government of India propose to take in view of the situation created in the Central Provinces ?

**Mr. H. Tonkinson :** No, Sir.

CONTRACT WITH MESSRS. A. H. WHEELER AND CO., FOR THE SALE OF NEWSPAPERS, BOOKS, ETC., ON THE NORTH WESTERN RAILWAY.

2099. **\*Lala Duni Chand :** (a) Will Government please inform the House how much they get yearly for the monopoly granted to Messrs. A. H. Wheeler & Co., for sale of newspapers, books, etc., and advertisements, over the entire North Western Railway line ?

(b) Is it a fact that the contract in favour of Messrs. A. H. Wheeler & Co., is renewed every year for the same sum of money without inviting tenders for the same ?

(c) If the reply to part (b) be in the affirmative, will Government state reasons for renewing the contract every year in favour of Messrs. A. H. Wheeler & Co., and not inviting tenders for the same ?

(d) Are Government aware that several persons are prepared to pay them four or five times the amount that the present contractors are paying in case the contract is thrown open to competition ?

(e) Will Government be pleased to give the figures of yearly income of similar contracts in case of all other State-owned Railway Lines ?

**Mr. C. D. M. Hindley :** (a), (b) and (c). Government are aware that for several years past Messrs. A. H. Wheeler & Co., have held the contract referred to on the North-Western Railway. The contract is within the competence of the Agent of the Railway and Government have no information as to his reasons for renewing it yearly with Messrs. A. H. Wheeler & Co.

(d) No.

It is open to anyone, who wishes, to tender to the Agent, North Western Railway, for the contract.

(e) The yearly income on State-worked lines takes the form of a percentage on sales. Government are not in a position to give information in regard to Company-worked lines.

**Lala Duni Chand :** Is it a fact that Messrs. Wheeler & Co. refuse to take on their stalls nationalist papers ?

**Mr. C. D. M. Hindley :** I do not know, Sir.

**Lala Duni Chand :** Will the Government kindly make inquiries as to that ?

**Mr. C. D. M. Hindley :** I can make inquiries, but I do not think the matter is of general public interest. Undoubtedly a firm like Wheeler & Co. will sell the papers that they get a sale for. I do not imagine that they will exclude any papers for which there is a sale. At the same time, I will make inquiries on the specific question put to me.

**Lala Duni Chand :** Is it not a fact that a very large number of travelling public is interested in reading nationalist papers ?

## REMOVAL OF POLITICAL PRISONERS FROM THE ANDAMANS TO INDIAN JAILS.

2100. \*Sardar Gulab Singh : Will the Government be pleased to state :

- (a) If there are any political prisoners still kept in the Andamans ?
- (b) If so, how many ?
- (c) Do Government contemplate removing them to India at an early date ?
- (d) If not, why not ?

**Mr. H. Tonkinson :** (a) and (b). Four prisoners convicted of offences connected with political movements are still confined in the Andamans.

(c) Government are trying to arrange for their accommodation in Indian jails.

(d) Does not arise.

**Diwan Bahadur T. Rangachariar :** When is Government going to abandon the Andamans as a place of confinement ?

**Mr. H. Tonkinson :** That question, Sir, does not arise, I think, on this question.

**Diwan Bahadur T. Rangachariar :** I dare say the Honourable Member is aware that it was resolved upon two years ago.

**Mr. H. Tonkinson :** I am quite aware of that, Sir.

## CONTRACT WITH MESSRS. CLEMENTS, ROBSON AND COMPANY FOR THE SUPPLY OF GRAIN TO MILITARY STATIONS IN THE PUNJAB.

2101. \*Sardar Gulab Singh : (a) Is it a fact that the Government have entered into a contract with a certain firm called Clements and Robson for the supply of grain, flour and bran, etc., to military stations in the Punjab ?

(b) If so, will the Government please lay on the table or state the terms of the contract and the duration for which the contract has been entered into ?

(c) Is it a fact that the contract entered into will last for three years ?

(d) What were the considerations which induced Government to adopt this new system of grain supply ?

**Mr. E. Burdon :** (a) Messrs. Clements, Robson and Company have been appointed buying agents for the supply of grain only.

(b) The attention of the Honourable Member is invited to the reply given in the Council of State on the 18th of March last to part (a) of question No. 143, and also to the reply given on the 2nd June 1924 in this Assembly to starred question No. 1143.

(c) Yes.

(d) Efficiency and economy.

## SUPPLY OF WHEAT PRODUCTS REQUIRED FOR MILITARY PURPOSES.

2102. \*Sardar Gulab Singh : (a) Have the Government received any offers from firms in the Punjab or outside, who would be prepared to supply flour, bran, etc., of the quality needed at a rate of one rupee

(Re. 1) per maund less than the rate at which Government are getting these at present ?

(b) If so is there anything besides the merits of the proposal itself which would stand in the way of Government entertaining it ?

(c) Are the Government aware that buying at such reduced prices will approximately lead to a saving of rupees four lacs per annum to the Government ?

**Mr. E. Burdon :** (a) A certain mill in Rawalpindi offered to supply wheat products at a rate of Re. 1 per 100 lbs. (and not Re. 1 per maund) less than the price that the wheat products cost Government, but though the mill was asked to submit definite quotations and samples it has not yet done so. I may mention, Sir, that the mill did not know what these products cost them.

(b) Apart from the vagueness of its terms there is a further and insuperable objection to entertaining the offer in question. Government have taken under their control for definite periods a few flour mills for the purpose of manufacturing, from Government wheat, products required for military purposes, and the contracts made with these mills cannot be terminated before the expiry of the stipulated periods.

(c) In view of the fact that, as stated under (a), no definite offer has been made, Government are not in a position to say whether the saving envisaged by the Honourable Member could in actual fact be secured.

#### PURCHASE OF WHEAT PRODUCTS REQUIRED IN MILITARY CENTRES IN BALUCHISTAN.

2103. **\*Sardar Gulab Singh :** (a) Is it a fact that wheat, flour, bran, etc., are supplied to military centres in Baluchistan from Shikarpore and such distant centres ?

(b) Are the Government aware that wheat is invariably cheaper by Re. 1 to Rs. 2 per maund in Baluchistan than in places like Shikarpore ?

(c) What objection have the Government to purchasing these commodities in Baluchistan ?

**Mr. E. Burdon :** (a) Yes.

(b) No. Government are informed that the fact is the reverse.

(c) None, provided the price, quality and other conditions are favourable.

#### SYSTEM OF CENTRALISED CRUSHING OF BARLEY AND GRAM REQUIRED FOR MILITARY PURPOSES.

2104. **\*Sardar Gulab Singh :** (a) Will the Government please state if it is a fact that according to the present arrangement barley which is produced abundantly in districts of Mardan, Peshawar, etc., in the N. W. F. Province is sent to Lahore and other far districts for crushing and supplied to districts like Rawalpindi, etc., for consumption when the latter are a hundred or more miles nearer the centres of production ?

(b) Is it also a fact that gram which is produced abundantly at stations on the Kundian-Kohat Railway and in the district of Bannu is sent to centres like Lahore, etc., for crushing and supplied to military centres

like Peshawar, etc., which are more than a hundred miles nearer the centres of purchase and production ?

(c) What objection have the Government to making arrangements locally for crushing wherever feasible ?

**Mr. E. Burdon :** (a) and (b). The answers to these two parts of the question are in the negative.

(c) None, provided that the results are equally satisfactory and economical, a system of centralised crushing is at present in an experimental stage. The experiment has been started at Lahore. Grain is purchased for delivery at the Depôt at competitive rates and, after being crushed, is distributed to such stations as can be economically fed from the Depôt. The experiment having so far proved successful will shortly be extended to Peshawar and Lucknow, and after the system has been given this further trial its results will be carefully reviewed.

#### GRIEVANCES OF PASSENGERS ON THE EAST INDIAN RAILWAY.

2105. **\*Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 16th August, 1924, page 11, under the heading "Grievance against East Indian Railway" ?

(b) Is the statement made therein correct ?

(c) If correct, do Government intend to issue instructions to the authorities concerned to remove the inconveniences and difficulties complained of ?

**Mr. C. D. M. Hindley :** (a) Government have seen the letter referred to.

(b) and (c). The matters complained of are such as can suitably be brought to the notice of the Agent through his Local Advisory Committee.

#### REPORT OF THE INDIAN MERCANTILE MARINE COMMITTEE.

2106. **\*Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state by what time they expect to consider the Report of the Indian Mercantile Marine Committee, 1923-24 ?

**The Honourable Sir Charles Innes :** The Report is being considered now, but I regret that I cannot say when Government will be in a position to announce their conclusions.

**Khan Bahadur Sarfaraz Hussain Khan :** Can they give any idea ?

**The Honourable Sir Charles Innes :** I have already said that I could not.

#### GRIEVANCES OF ASSISTANT STATION MASTERS ON THE METRE GAUGE SECTION OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

2107. **\*Mr. C. Duraiswami Aiyangar :** (a) Has the attention of Government been drawn to an article published in the *Swarajya* of the 15th August 1924 under the heading "Grievances of Assistant Station Masters" ?

(b) Is it a fact that the assistant station masters in the metre gauge section of the Madras and Southern Mahratta Railway Co., Ltd., are asked to work every night continuously ?

(c) Does the same practice obtain on all railways ?

(d) Do the Government intend to put an end to that practice ?

**Mr. C. D. M. Hindley :** (a) Government have seen the article referred to.

(b) In stations where the train service is heavy, there are two assistant station masters, and these assistant station masters undertake night duty week and week about. In stations, where the train service is light, the assistant station master takes the night duty. But their duties during the night are intermittent and far less onerous than would be the case if they were employed on day duty for shorter hours.

(c) Government have no detailed information, but they understand that the system of dividing working hours between the station masters and assistant station masters is more or less uniform on railways in India.

(d) Government do not propose to take any action.

PROFIT AND LOSS STATEMENT OF THE WIRELESS BRANCH OF THE POST OFFICE  
FOR THE LAST THREE YEARS.

2108. **\*Pandit Shamlal Nehru :** Will Government be pleased to furnish this House with a Profit and Loss Statement of the Wireless Branch of the Post Office for the last three years ?

**The Honourable Mr. A. C. Chatterjee :** It is not possible to furnish such a statement as the messages transmitted by wireless form part of the general telegraph traffic which is booked at telegraph offices.

INDIANS IN THE SUPERIOR STAFF OF THE WIRELESS BRANCH.

2109. **\*Pandit Shamlal Nehru :** Will Government be pleased to state the number of Indians employed in the Superior Staff of the Wireless Branch ?

**The Honourable Mr. A. C. Chatterjee :** There are no Indians in the Superior Staff of the Wireless Branch at present. There is a vacancy for an Assistant Divisional Engineer which Government desire to fill by appointing an Indian gentleman with suitable qualifications and an advertisement to this effect has recently been published.

PURCHASE OF APPARATUS FOR THE WIRELESS BRANCHES OF THE DEPARTMENT  
OF POSTS AND TELEGRAPHS.

2110. **\*Pandit Shamlal Nehru :** Will Government be pleased to state the name of the firm from whom Wireless apparatus are bought ?

**The Honourable Mr. A. C. Chatterjee :** Apparatus required for the Wireless Branch of the Department of Posts and Telegraphs is purchased in India and the United Kingdom from a number of manufacturers according to the particular apparatus required, in the same manner as stores required for any other branch of the Department.



GRANT OF LICENSE TO INDIAN FIRM FOR THE WORKING OF THE INTERNATIONAL WIRELESS.

2111. **\*Pandit Shamlal Nehru :** (a) Is it a fact that a license will soon be granted to an Indian Company for the working of the International Wireless ?

(b) If so will Government be pleased to state if it is a fact that the management of the affairs of the Company will be handed over to a British Company who will employ their staff for the construction and the maintenance of the International Wireless System ?

**The Honourable Mr. A. C. Chatterjee :** (a) A tender has been received from an Indian Company, but Government have not yet passed orders,

(b) The terms of the tender which was published some months ago, provide not only for the employment of Indian capital but for the provision of Indian management (*i.e.*, by a Board resident in India) and the employment of Indian personnel.

CRITICISM OF THE POLICY OF GOVERNMENT BY THE DIRECTOR OF WIRELESS IN AN INFORMAL DISCUSSION WITH THE RADIO CLUB OF BOMBAY.

2112. **\*Pandit Shamlal Nehru :** Has the attention of Government been drawn to the lecture delivered by the Director of Wireless in Bombay in which he criticised the policy of Government and also the administration of the Department ? If so, will Government be pleased to state if it is proposed to take any action against that officer ?

**The Honourable Mr. A. C. Chatterjee :** The answer to the first part of the question is in the affirmative. The account in the newspapers was not however a verbatim report of what the Director of Wireless said. I would explain that his remarks were not given in a lecture but in an informal discussion with the Radio Club of Bombay. What he said was that Government had been able to do little as regards commercial wireless development in India as expenditure had to be cut down to an absolute minimum.

With respect to the second part, instructions have been given to the officer concerned to refrain from discussing the policy of Government or the Department in a public or quasi-public gathering.

REDUCTION OF FIRST AND SECOND CLASS FARES ON THE GREAT INDIAN PENINSULA RAILWAY.

2113. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether it is a fact that the Agent of the G. I. P. Railway Company has decided to reduce with effect from the 1st October 1924 the first and second class fares ? If so, did he consider the advisability of reducing the intermediate and third class fares ? If so, has he decided to reduce these fares also ? If so, from what date ? If not, why not ?

**Mr. C. D. M. Hindley :** The answer to the first part is in the affirmative. The Government have no doubt that the question of reducing intermediate and third class fares was also considered by the Agent, but that he decided that it was not necessary also to reduce these fares. During

1923-24 there was a decrease in the number of passengers carried compared with the previous year. This decrease was particularly heavy in first and second class passengers, and the Agent, no doubt, arrived at the conclusion that the fares were heavier than the traffic could bear. There was a decrease also in the third class passengers, but receipts from that class of passengers increased by Rs. 6½ lakhs over the figures of the previous years.

**Dr. K. G. Lohokare :** Will the Government consider the advisability of introducing the return tickets system which prevailed in 1913 for third class passengers ?

**Mr. C. D. M. Hindley :** I do not think this question arises out of the question which has just been answered.

**Dr. K. G. Lohokare :** Since the reduction of third class fares is not found desirable, are the Government prepared to consider the advisability of introducing at least the return tickets system for these third class passengers ?

**Mr. C. D. M. Hindley :** Sir, I cannot at the moment give the reference to the answer which has already been given on an exactly similar question. Perhaps the Honourable Member will find it in the records of the House.

#### PAY OF CLERKS IN THE BOMBAY CURRENCY OFFICE.

2114. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether it is a fact, and if so, whether they are aware of it, that in spite of the last two or three revisions in the scales of pay in the Bombay Currency Office, there are cases of clerks who at present draw only between Rs. 80 to 100 after 10 to 18 years' service ? If so, do they propose to reconsider their case and apply the new scale to them with retrospective effect from 1st June 1924 ?

**The Honourable Sir Basil Blackett :** The answer to the first part of the question is in the affirmative.

The new scale was applied with retrospective effect from 1st June 1924 and each man was started on the new scale at the stage next above his pay on that date on the old scale, and not on the basis of length of service. The latter method has not been applied to other similar offices in connection with recent revisions of pay and the Government of India see no reason to make an exception in the case of the Bombay Currency Office.

#### SCALES OF PAY IN THE ACCOUNTS OFFICE AND THE CURRENCY OFFICE, BOMBAY.

2115. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state whether it is a fact, and if so, whether they are aware of it, that before the year 1909 the scales of pay in the Bombay Accounts Office and the Bombay Currency Office were the same and that after that year the scale in the former office became more liberal than the latter ? If so, why was this differentiation made and on what ground ?

(b) Will Government be further pleased to state whether they intend to remove this differentiation and equalise, as before, the scales of pay in the two offices ?

**The Honourable Sir Basil Blackett :** The scales in the Accountant General's and the Currency offices differed materially prior to 1909. The rest of the question does not arise.

#### INTRODUCTION OF THE PROVIDENT FUND SYSTEM IN THE CURRENCY OFFICE.

2116. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state whether the Provident Fund System is introduced in the Currency Office ? If so, is it similar to the one adopted by the Railway Companies and other incorporated bodies ?

(b) Will they be further pleased to state whether the staff of the Bombay, Calcutta and Madras Currency Offices have sent any representations to Government requesting them to improve the system and forwarding certain modifications they desire to be introduced ? If so, have they been considered and with what result ?

**The Honourable Sir Basil Blackett :** (a) The ordinary pension system is not suitable in the case of employes in the Treasurer's Departments in Currency offices owing to the circumstances arising out of the responsibility of Treasurers for the valuables handled in the course of the daily transactions. The following scheme is accordingly in force in these departments :

- (1) Subscriptions to the General Provident Fund are compulsory, these being returned to the employes on retirement with the usual addition for interest.
- (2) Each employe is required to insure with an insurance company approved by the Controller of the Currency against any loss up to the amount of the security fixed for the appointment which he holds.
- (3) On the retirement of the employe a bonus, calculated at the rate of one-twelfth of the monthly substantive pay of the posts held by him throughout his service is granted, and, in addition, such portion of the amount of the premia paid by him as is not refunded by the Insurance Company is reimbursed to him. This bonus is granted on the same conditions as govern the grant of pensions.

The above scheme is different from the provident system which obtains in Railway companies and other bodies.

(b) Representations were received regarding the scheme, but it was considered that it was suited to the circumstances of the case and sufficiently liberal, and that no change was required.

#### SCALE OF FURNITURE SUPPLIED TO MEMBERS OF THE LEGISLATURE OCCUPYING QUARTERS ON THE CART ROAD, SIMLA.

2117. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state whether they are aware that the furniture supplied to the Members on the Cart Road is much less than what used to be supplied to them formerly and have they received complaints that it is inadequate and insufficient ? If so, have they so far taken any steps to remove this inconvenience of the Members ? If not, why not ?

(b) Will they be further pleased to state whether they made any inquiries about the inadequacy and insufficiency of the furniture supplied after the special sessions of the Indian Legislature in May last ?

If so, whom did they inquire of and what was the decision to which the Government came? Will they be pleased to state whether they consulted any of the Members of the Legislature who generally stay there? If not, why not?

(c) Are Government prepared to take immediate steps to remove this complaint of the Members and supply them with adequate furniture with due regard to their requirements? If not, why not?

**The Honourable Mr. A. C. Chatterjee :** Sir, the answer to this question is rather long and tedious. I would, therefore, lay it on the table if the Honourable Member has no objection.

(The answer was laid on the table.)

(a) The quarters on the Cart Road are furnished in accordance with a fixed scale which is considered suitable for single quarters. In addition to this, the local P. W. D. authorities keep a small stock of furniture which is available for hire to Members who wish to supplement the fixed scale. Ever since the quarters were constructed, the fixed scale of furniture for each set of quarters has been the same. The amount of furniture available for hire, however, varies from time to time according to demands. A complaint was recently received from the Honourable Member himself and has been replied to.

(b) Inquiries were made as a result of which Government are satisfied that the scale of furniture is adequate provided that the quarters are used in the way in which it is intended that they should be used, *viz.*, as single quarters. Any complaints which have been received regarding the insufficiency of furniture have come from Members who have wished to accommodate other persons in the quarters and not use them as single quarters. In view of what is stated in reply to part (c) of this question Government did not consider it necessary to consult Members of the Legislature.

(c) Government are not prepared to increase the fixed scale of furniture. What is now supplied compares in their opinion favourably with what is given in hotels. Moreover Government have no desire to encourage Members occupying single quarters to find accommodation in these quarters for others, a practice which would tend to interfere unduly with the legitimate trade of the local hotels.

**REPRESENTATION OF THE LOCAL PASSENGER AND TRAFFIC RELIEF ASSOCIATION  
ON THE ADVISORY BOARD OF THE NORTH WESTERN RAILWAY.**

2118. **Mr. Harchandrai Vishindas :** (a) Are Government aware of the representation made to the Agent, North Western Railway, Lahore, pursuant to a resolution passed at a public meeting held in Karachi on the 24th November last, to enrol a representative of the local Passenger and Traffic Relief Association on the Railway Advisory Board and that in spite of reiterated reminders no reply of any kind has been vouchsafed?

(b) Are Government aware that this Association has rendered valuable service by ventilating the grievances, the discomforts and the needs of the travelling public?

(c) Are Government aware that the B., B. and C. I. Railway have decided to include this Association on their Advisory Board?

(d) If so, are Government prepared to consider the utility and desirability of conceding to the Association the same right on the North Western Railway ?

**Mr. C. D. M. Hindley :** (a) Government are aware that this question was considered at a meeting of the Karachi Advisory Committee of the North Western Railway. Action, however, was deferred, until the Agent had received a reply to a letter he had addressed to the President of the Association asking for certain information:

(b) Government are aware that many Associations of this kind render useful service in the direction indicated by the Honourable Member.

(c) No, but Government are aware that the representative of the Bombay Municipality on the Bombay, Baroda and Central India Railway Advisory Committee is also Secretary of the Passenger Association, Bombay.

(d) The Honourable Member is referred to the reply given in this Assembly on 3rd September, 1924, to item (e) of Mr. Bhubanananda Das's question No. 1619, but they will inquire from the Agent what further action has been taken in the matter.

COLLECTION OF SUBSCRIPTIONS FOR THE NORTH WESTERN RAILWAY UNION  
BY THE RAILWAY AUTHORITIES.

2119. **\*Mr. Harchandrai Vishindas :** Will Government be pleased to state :

- (a) If it is a fact that for some time subscriptions for the North Western Railway Union were collected by the railway authorities by deducting the same from the salary bills of the railway servants who were members of that Union ?
- (b) If so, how long did this practice last and when was it discontinued ?
- (c) Whether the Government have been approached by the Union for its revival ?
- (d) If so, whether Government propose to accede to this request ?

**Mr. C. D. M. Hindley :** (a) Yes.

(b) For one year. It was discontinued in 1922.

(c) and (d). No.

GRANT OF COMPENSATORY ALLOWANCES TO EMPLOYEES OF THE NORTH  
WESTERN RAILWAY STATIONED AT KARACHI.

2120. **\*Mr. Harchandrai Vishindas :** Will Government be pleased to state what recommendation, if any, has been made by the Agent, North Western Railway, for the grant of compensatory allowance to employees stationed at Karachi ?

**Mr. C. D. M. Hindley :** The matter referred to by the Honourable Member is at present under the consideration of Government who are not prepared to make any statement as regards the recommendations which may have been made to them.

TERMS OF AGREEMENT FOR ALL CLASSES OF STAFF OF THE NORTH WESTERN  
RAILWAY.

2121. **\*Mr. Harchandrai Vishindas :** Will Government be pleased to state the terms of agreement the following classes of servants on the North

Western Railway are required to accept before appointment to the various grades ?

(a) Officers, (b) Superior subordinate staff, (c) Menial staff, (d) Workmen.

**Mr. C. D. M. Hindley :** (a), (b), (c) and (d). There are necessarily different forms and terms of agreement for different classes of staff and a comprehensive reply would be very voluminous. If the Honourable Member will specify the particular points in regard to which he requires information it will be sent to him.

# INADEQUACY OF QUARTERS FOR THE MENIAL STAFF OF THE NORTH WESTERN RAILWAY.

2122. **\*Mr. Harchandrai Vishindas :** (a) Will Government be pleased to state standard dimensions of quarters allotted to the various classes of employees on the North Western Railway both Indian and European ?

(b) Are Government aware that the accommodation in quarters intended for the menial staff is entirely inadequate to the ordinary creature comforts of this class ; there being absolutely no kitchen accommodation and the bathrooms and latrines being so situate as to deprive the womenfolk of the necessary privacy ?

**Mr. C. D. M. Hindley :** (a) A statement giving the standard dimensions of quarters allotted to the various classes of employees on the North Western Railway, both Indian and European, is laid on the table.

(b) The North Western Railway type of quarters for menials, provides one room, a verandah and a courtyard. Kitchen accommodation is provided on one side of the verandah. These quarters are usually built in blocks of several units and have no latrines or bath rooms attached to them. They are served by communal latrines and water taps or wells close by.

Government consider these arrangements to be sufficient.

Serial No.	Designation of occupant.	Dimensions.	REMARKS.
1	Quarters for Indian Subordinate Technical staff, workmen and labourers, i.e., Chaprasies, Khalasies, Gangmen, etc.	1 Room .. 10' × 10' Verandah .. 11' × 4' Court yard .. 135 s. ft. Plinth ... 29' × 11' 10½"	Also includes Kitchen.
2	Junior Indian Subordinates Quarters, i.e. Drivers, Guards, Carriage Examiners, Clerks and Signallers.	1 Room .. 15' × 12'. 1 Bath room 7' × 5'. 1 Kitchen .. 7' × 4' 9½". 1 Latrine .. 5' × 5'. Verandah .. 15' 6½" × 7' 7" Court Yard .. 300 s. ft. Plinth .. 46' 9" × 17' 3". 6' 6" × 5' 9".	

Serial No.	Designation of occupant.	Dimensions.	REMARKS.
3	Indian Subordinates Quarters, i.e. Assistant Station Masters, Junior Station Masters, Inspector of Works and Sub-Way Inspectors.	2 Rooms .. $1 \times 15' \times 12'$ . $1 \times 15' \times 10'$ . 1 Bath room .. $7' \times 5'$ . 1 Kitchen .. $7' \times 4' 9\frac{1}{2}"$ . 1 Latrine .. $5' \times 5'$ . Verandah .. $15' \times 6\frac{1}{2}' 8' 7"$ . Court yard .. 300 s. ft. Plinth .. $59' 9" \times 17' 3"$ . $6' 6" \times 5' 9"$ .	
4	Senior Indian Subordinates Quarters, i.e., Senior Station Masters 1st and 2nd Class Stations.	2 Rooms .. $14' \times 12'$ each. 1 Sitting room .. $10' \times 8'$ . 1 Bath room .. $5' \times 5'$ . 1 Kitchen .. $8' \times 8'$ . 1 Godown .. $8' \times 5\frac{1}{2}'$ . 1 Latrine .. $5' \times 5'$ . Verandah .. $20' 2\frac{1}{2}' \times 8' 1\frac{1}{2}'$ . $8' \times 4'$ . Court yard .. 300 s. ft. Plinth .. $30' 9\frac{1}{2}" \times 40' 7"$ . $6' 6" \times 5' 9"$ .	
5	Junior European and Anglo-Indian Guards, Drivers, firemen and shedmen's (Bachelors) Quarters.	1 Room .. $16' \times 16'$ . 1 Bath Room .. $8' \times 8'$ . 1 Godown .. $14' \times 8'$ . Verandah .. 240 s. ft. Plinth .. $22' 1\frac{1}{2}" \times 37' 3"$ .	
6	European and Anglo-Indian Guards and Drivers' (Married) Quarters	2 Bed rooms .. $16' \times 14'$ each. 1 Dining room .. $16' \times 16'$ . 2 Bath rooms .. $13' \times 8'$ . 2 Godowns .. $8' \times 8'$ . Verandah .. 470 s. ft. Plinth .. $67' 6" \times 27' 2\frac{1}{2}"$ .	
7	European and Anglo-Indian Guards and Drivers' (Bachelors) Quarters.	2 Rooms .. $16' \times 16'$ each. 2 Bath rooms .. $8' \times 8'$ . Verandah .. 136 s. ft. Plinth .. $54' 4\frac{1}{2}" \times 17' 3\frac{1}{2}"$ .	
8	European and Anglo-Indian Platform Inspectors' Quarters.	2 Rooms .. $16' \times 14'$ each. 1 Sitting room .. $16' \times 16'$ . 2 Bath rooms .. $9' \times 8'$ each. Verandah .. 711 s. ft. Plinth .. $48' 3" \times 37' 3"$ .	
9	European and Anglo-Indian Senior Permanent way Inspectors and Loco. Foremen's quarters.	2 Bed rooms .. $16' \times 14'$ each. 1 Sitting room .. $16' \times 16'$ . 1 Dining room .. $16' \times 16'$ . 1 Pantry .. $9' \times 8'$ . 2 Bath rooms .. $10' \times 9'$ each. 1 Godown .. $9' \times 8'$ . Verandah .. 630 s. ft. $54' 4\frac{1}{2}" \times 45' 3"$ . Plinth .. $37' 1\frac{1}{2}" \times 8' 1\frac{1}{2}"$ .	

Serial No.	Designation of occupant.	Dimensions.	REMARKS.
10	Quarters for Senior most Guards, Drivers, etc. (European and Anglo-Indians).	<p>2 Bed rooms { 1 16' x 14'. 1 16' x 16'. 1 Sitting room 16' x 16'. 1 Dining room 16' x 16'. 1 Pantry .. 10' x 8'. 2 Bath rooms { 10' x 8'. 9' 4 1/2" x 8'. 2 Godowns .. 7' 4 1/2" x 6". Verandah .. 276 s. ft. Plinth .. 35' 2 1/4" x 54' 4 1/2".</p>	
11	European and Anglo-Indian Senior Subordinates Quarters.	<p>3 Bed rooms { 1 16' x 17' 6". 2 13' x 16' 6 1/2". 1 Sitting room 16' x 16'. 1 Dining room 16' x 16'. 1 Pantry .. 9' x 8'. 3 Bath rooms { 2 10' x 7' 5 1/4". 1 10' x 8'. 2 Godowns .. { 10' x 8'. 9' x 8'. Verandah .. 725 s. ft. Plinth .. 54' 4 1/2" x 53' 4 1/2".</p>	
12	Intermediate type for Europeans and Anglo-Indians.	<p>3 Bed rooms { 2 16' x 13'. 1 16' x 17' 6". 1 Sitting and Dining room. 16' x 26'. 1 Pantry .. 8' x 8'. 3 Bath rooms { 2 10' x 7' 9 1/4". 1 10' x 8' 5 1/4". 1 10' x 7' 2 1/4". 2 Godowns .. { 1 8' x 8'. Verandah .. 687 s. ft. Plinth { 47' 3" x 26' 3". 51' x 27' 1 1/2".</p>	
13	Servants' Quarters (out houses).	<p>1 Room } .. 10' x 8' 1/2" Court yard .. 10' x 8' 1/2" Kitchen .. 12' x 12'. Verandah .. 12' 9" x 9'.</p>	Attached to above.



**HOURS OF WORK, ETC., OF THE STAFF OF THE NORTH WESTERN RAILWAY.**

**2123. Mr. Harchandrai Vishindas :** (a) Is it a fact that in certain places and certain branches of the North Western Railway the maximum of 60 working hours in the week agreed upon by the authorities is now being exceeded ?

(b) Will Government further state if owing to lack of sufficient relieving hands the staff is being subjected to severe restrictions in the matter of leave due to them though such leave is required for urgent private affairs ?

(c) Do Government propose to take steps to remedy the above state of affairs.

**Mr. C. D. M. Hindley :** (a) As the Honourable Member does not mention either the particular locality or staff to which he refers Government are not able to say whether there is ground for the statement made. It may, however, be explained that it has not been found possible to apply the limitations referred to in the case of staff directly engaged in the running of trains.

(b) and (c). Government have no information which would lead them to suppose that such is the case.

**WEARING OF KHADDAR BY GOVERNMENT SERVANTS.**

**2124. \*Pandit Harkaran Nath Misra :** Will the Government be pleased to state :

(a) Its policy with regard to the wearing of Khaddar by Government servants.

(b) To state if any instructions have been issued to the Local Governments about the wearing of Khaddar by Government servants ?

**The Honourable Sir Alexander Muddiman :** (a) Government do not object to their servants wearing clothes composed of any material, provided that they are clothed in a manner suitable to the office they hold.

(b) No instructions to Local Governments have been issued in the matter.

**RAILWAY OFFICES TO REMAIN AT LUCKNOW AFTER THE AMALGAMATION OF THE EAST INDIAN RAILWAY WITH THE O. & R. RAILWAY.**

**2125. \*Pandit Harkaran Nath Misra :** Will the Government be pleased to state what railway offices will remain at Lucknow after the amalgamation of the O. and R. R. with the E. I. R. ?

**Mr. C. D. M. Hindley :** The question is under the consideration of Government but the proposals are not sufficiently mature to enable definite information to be given on the subject.

**Pandit Harkaran Nath Misra :** Will the Government kindly give this information as soon as they are in a position to do so ?

**Mr. C. D. M. Hindley :** I think the Honourable Member might put down a question to that effect later on.

**SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.**

**2126. Pandit Harkaran Nath Misra :** Will the Government be pleased to state what steps have been taken on the report of the Local

Government of the United Provinces of Agra and Oudh on the separation of the executive and judicial functions ?

**The Honourable Sir Alexander Muddiman :** The Honourable Member is referred to the answers given to Mr. Gaya Prasad Singh's unstarred questions Nos. 78—80 on the 11th February 1924 and to Maulvi Muhammad Yakub's starred question No. 939 on the 24th March 1924. No action has so far been taken. The final views of the Government of Madras which were being awaited have just been received and the schemes will now be considered by the Government of India.

BRITISH VICE-CONSUL AT DUZDAB.

2127. **\*Sardar Kartar Singh :** (a) Will the Government be pleased to state if the British Vice-Consul at Duzdab is directly under the Government of India or under the control of the A. G. G., Baluchistan ?

(b) Do the appeals from the orders of the British Vice-Consul lie to the Government of India or to the A. G. G., Baluchistan ?

**Mr. Denys Bray :** (a) Under neither. As a Vice-Consul, he is subject, like all Consular Officers in Persia, to the authority of His Majesty's Minister at Tehran. He is also subject to the general supervision of His Majesty's Consul for Sistan and Kain as Supervising Consul.

(b) Appeals from judicial orders of the British Vice-Consul lie to the Court of the Political Resident in the Persian Gulf in his capacity as Sessions Judge.

RELEASE OF SIKH PRISONERS CONVICTED FOR WEARING *Kirpans*.

2128. **\*Sardar Kartar Singh :** (a) Has the attention of the Government of India been drawn to an important judgment of the Lahore High Court (delivered by the Hon. Mr. Justice Scot Smith and the Hon. Mr. Justice Harrison) reported in the Indian Law Reports, 5, Lahore, page 308, in a case arising under the Arms Act, in which the Hon. Judges have held that the word '*Kirpan*' as used in Schedule II, 3 (6) of the Indian Arms Act, can only be understood and read as meaning a 'Sword' and therefore a Sikh possessing or wearing one sword commits no offence ?

(b) Are the Government aware that several Sikhs are even now undergoing imprisonment in the various jails throughout India for having been found in possession of a *Kirpan* or a sword ?

(c) In view of the above mentioned decision of the Lahore High Court do the Government propose to order the immediate release of all such Sikh prisoners ?

**Mr. Tonkinson :** (a) Yes.

(b) Government have no information in the matter.

(c) Does not arise.

**Sardar Kartar Singh :** Will Government be pleased to inquire whether any such persons are undergoing imprisonment nowadays ?

**Mr. H. Tonkinson :** I think that is a question to be addressed to the Local Government rather than to the Government of India.

**Mr. Chaman Lall :** Will Government consider the advisability of suggesting the release of the "*Kirpan*" prisoners in view of this judgment under which the original offence for which these men went to prison is declared to be no offence at all ?

**Mr. H. Tonkinson :** That is a question for the Local Government.

**Mr. Chaman Lall :** Does the Honourable Member wish the House to understand that the Government of India is not a humane Government ?

**Mr. H. Tonkinson :** No, Sir.

**Mr. Chaman Lall :** Or that it is not a just Government ?

**Mr. H. Tonkinson :** No, Sir.

**Mr. Chaman Lall :** Or that it is a foolish Government ?

#### FORMATION OF A COMMITTEE TO INQUIRE INTO SIKH GRIEVANCES.

2129. **\*Sardar Kartar Singh :** (a) Will the Government be pleased to state, what action, if any, has so far been taken on the Resolution passed by the Legislative Assembly on 26th of February 1924, *re* the appointment of a Committee consisting of official and non-official members of the House to inquire into the causes of discontent prevailing among the Sikh community, and to report on what measures should be adopted to remove the same ? If not, why not ?

(b) Is it a fact that the formation of such a Committee has been under the contemplation of the Government of India ?

**Mr. H. Tonkinson :** The Honourable Member is referred to the answer given by the Honourable the Leader of this House to Sardar Gulab Singh's unstarred question No. 307.

**Mr. Chaman Lall :** Are Government aware that a statement has been issued to the press in which it is alleged that Government did give a definite undertaking to inquire into the causes of discontent prevailing among the Sikh community, and that Government subsequently went back on that undertaking ?

**Mr. H. Tonkinson :** I must ask for notice of that question, Sir.

#### THE BIRDWOOD COMMITTEE.

2130. **\*Sardar Kartar Singh :** (a) Was the announcement of the appointment of the Birdwood Committee by the Punjab Government made in consultation with or under the direction of the Government of India ? What was the personnel of that Committee and what were the terms of reference ?

(b) Was the Government of India informed from time to time as to the progress made by the Birdwood Committee in carrying out the terms of their reference ?

(c) Was any non-official elected Member of the Legislative Assembly appointed or requested to serve on the said Birdwood Committee, if not, why not ?

**Mr. H. Tonkinson :** I am not prepared to add to the statements made by the Government of the Punjab on the subject.

#### QUALIFICATIONS FOR THE MUNICIPAL FRANCHISE IN MAURITIUS.

2131. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to a communication headed "Indians in Mauritius" over the signature of Pandit Benarsi Dass Chaturvedi, and published in the *Servant* of the 16th January 1924 ?

(b) Is it a fact that Mr. Lutchmaya of Mauritius, was coming up to India, but he was forced to land at Zanzibar, and was kept confined in the Central Jail there for about a month, as a "lunatic" ?

If so how was he declared as a lunatic, and did any doctor examine him ? If so, will the Government be pleased to lay a copy of the doctor's certificate, if any, on the table ?

(c) Is it a fact that Mr. Lutchmaya had started a co-operative credit society in Mauritius ; but it had to be closed owing to the hostile attitude of the authorities who sided with the factory owners ?

(d) Is it a fact that a resolution has been passed in the municipal corporation at Port Louis that only those peoples should be allowed to vote, who have knowledge of English or French and that this resolution has been sent to Downing Street for final sanction ?

(e) Is it a fact that most Indians in the island know only the Indian vernaculars *Bhasha* (Hindi, Tamil and Telugu) ?

**Mr. J. W. Bhore :** (a) The reply is in the affirmative.

(b) No. Mr. Lutchmaya *en route* Durban to India irregularly landed at Zanzibar. He was discovered to be insane by the Zanzibar authorities and was detained by them in an asylum. This action was taken on the strength of a certificate evidently issued by a doctor, but the Government of India regret that they have no copy of the document.

(c) The information desired by the Honourable Member is not available.

(d) and (e). The matter will be investigated and the result communicated to the Honourable Member in due course.

#### ALLEGED MALPRACTICES OF LABOUR RECRUITERS.

2132. **\*Mr. Gaya Prasad Singh :** (a) With reference to my starred question No. 1379 of the 9th June 1924 regarding an article which appeared in the "Servant" of the 25th October 1923, will the Government be pleased to make a statement regarding the occurrence mentioned in the said paper ?

(b) Is it a fact that a Brahman boy named Chotay Lall was enlisted as a recruit under false prettexts, and was kept in confinement against his will in October 1923 at Benares ; but he was subsequently released at the intervention of Dr. Mani Lal, Bar-at-Law ?

(c) Is it a fact that a complaint was lodged on behalf of the boy Chotay Lall at Chetgunj Police Station in Benares, but no action was taken by the police in the matter ?

**Mr. J. W. Bhore :** Inquiries are being made and the result will be communicated to the Honourable Member in due course

#### REPORT OF THE FIJI DEPUTATION.

2133. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to a letter published in the "Forward" of the 12th June 1924 over the signature of Pandit Benarsi Dass Chaturvedi on the subject of the Fiji deputation ?

(b) What is the date on which the report of the Indian deputation to Fiji was submitted ?

(c) When do the Government intend to publish the report ?

(d) Is it a fact that the Colonial Office has taken strong objections to certain views expressed in the report ?

(e) Will the Government be pleased to lay on the table communications on the subject which may have passed between the Colonial Office and the Government of India ?

**Mr. J. W. Bhore :** (a) The reply is in the affirmative.

(b) In September 1922.

(c) The question of publication is still under consideration.

(d) and (e). In view of the answer given to part (c) of the question I hope that the Honourable Member will not press for an answer.

#### RECRUITMENT OF LABOUR FOR THE TEA GARDENS IN ASSAM.

2134. **\*Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to lay on the table a copy of the rules, if any, under which recruitment of labour for employment in the tea garden of Assam is conducted ?

(b) How many depots have they got in India, and at what places ?

**The Honourable Mr. A. C. Chatterjee :** (a) The provisions relating to the recruitment of labour for the Assam Tea Gardens are contained in the Assam Labour and Emigration Act, 1901, as subsequently amended and subject to modifications contained in notifications. The only form of recruitment now permitted is by garden-sardars duly accredited to licensed local Agents. No rules have been issued by the Government of India in this connection, but a number of rules have been published by the local Governments.

(b) Government maintain no depots for recruitment. Officers for the protection of emigrants are stationed at Calcutta, Goalundo, Naihati, Asansol and Kharagpur in Bengal, and at Dhubri, Gauhati, Tezpur and Dibrugarh in Assam.

#### PURCHASE OF GOVERNMENT STORES FROM THE UNITED KINGDOM.

2135. **\*Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to an article by Mr. Harold Cox reprinted in the *Statesman* of the 12th August 1924 on the topic of British trade with India ?

(b) Will Government be pleased to state whether the figure of £8,600,000 a year as against £7,000,000 before the war mentioned by Mr. Harold Cox as the purchases by India from the United Kingdom includes orders for Government stores for Government and public bodies as well as for plant, equipment and other items on capital account ?

(c) Will Government be pleased to lay on the table a statement of the value of the orders placed in the United Kingdom for stores for Government and public bodies including railways as well as for plant, etc., on capital account for the last five years ?

(d) Will Government be pleased to state the amount of purchases of supplies during the last year for which complete accounts are available ?

(e) Will Government be pleased to state whether the Army Department has got any inspection officers with expert knowledge of items to be purchased ?

(f) Will Government be pleased to lay on the table any order, circular or correspondence on the subject of purchase of stores in India and from the Stores Department by (a) State-worked and (b) State-owned Railways ?

(g) When do Government expect action to be taken on the matter of stores policy and with regard to the passing of all indents through the Indian Stores Department, so far as the purchases for railways are concerned ?

(h) Will Government be pleased to state what facilities have individual officers for purchases for railways for inspection, testing or special knowledge of the articles which they are asked to purchase ?

**The Honourable Mr. A. C. Chatterjee :** (a) Government have seen the article referred to.

(b) The figures mentioned by Mr. Harold Cox in the article referred to are £86,000,000 and £70,000,000 and not £8,600,000 and £7,000,000, as stated by the Honourable Member. The figure £70,000,000 does not include the value of Government stores. The figure £86,000,000, which relates to the year 1923, probably does, but it is not possible to verify this as the Statement of the Trade of the United Kingdom for 1923, from which Mr. Harold Cox has apparently quoted, has not yet been received. The total imports of merchandise from the United Kingdom in 1923 including the value of Government stores works out to £87,000,000 at Rs. 15=£1.

(c) Information in the exact form required by the Honourable Member is not available, but his attention is invited to pages 73—76 of the Home Accounts of the Government of India for the year 1922-23, the latest available (a copy of which is in the Library) which gives a summary of payments made during that year for stores procured through the High Commissioner for shipment to India by the Central Government and the different provincial Governments. The Statement includes expenditure on stores not charged to revenue. Similar figures for previous years are given in the Home Accounts of each year, copies of which are not available in the Library but will be lent to the Honourable Member if he so desires.

(d) As already stated, information in the exact form required by the Honourable Member is not available. As regards value of stores obtained through the High Commissioner the Honourable Member's attention is again invited to the Home Accounts for the year 1922-23. The value of purchases made in India during that year by the Central Government including State Railways and the provincial Governments amounts to Rs. 11,28,65,000. As explained by me on the 4th February 1924, in reply to question No. 88 by Mr. Jinnah, these figures do not include the value of certain classes of purchases.

(e) The reply is in the affirmative.

(f) In their letter No 1644-S., dated the 28th May 1924 the Railway Board addressed the State-worked railways, impressing on them the importance of carrying out the policy laid down in the new Stores Purchase Rules, a copy of which is available in the Library. The Railway Board also sent copies of the new rules to the Agents of Company-worked railways. The Board have no doubt that the policy of the Government of India will be given full effect to on those railways. In their letter No. 2574-S., dated the 18th August 1924, the Railway Board drew the

attention of the State-worked railways and also the East Indian and Great Indian Peninsula Railways to the desirability of making greater use of the Indian Stores Department in respect of the inspection and purchase of certain classes of stores. Copies of the communications referred to are laid on the table.

(g) Copies of all English indents are sent by State-worked railways to the Indian Stores Department, who advise the railways concerned regarding any articles included in their English indents which are manufactured in India and can suitably be purchased here. Company-worked railways, in accordance with the terms of their contracts with the Secretary of State for India in Council, make their own arrangements for the purchase of stores.

The action taken by the Railway Board, which will be clear from the letters addressed to Agents of State Railways, and to the Agents of the East Indian and Great Indian Peninsula Railways, dated the 18th of August 1924, to which I have just referred, will, the Government of India feel sure, lead to a considerable expansion of the practice of utilising the services of the Indian Stores Department for the purchase of railway stores.

(h) In a large number of cases the purchasing officer has all necessary facilities for inspecting and testing articles purchased in India for railways, and, where necessary or advisable, he is able to enlist the services of the Inspection Branch of the Indian Stores Department. Where special knowledge or experience is required, the purchasing officer can, and always does get the advice of the departmental officers who are concerned in the use of the article.

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*Letter from the Secretary, Railway Board, to the Agent, North Western, Oudh and Rohilkhand, and Eastern Bengal Railway; the Engineer-in-Chief, the Central Indian Coalfields Railway, Delhi (New Capital) Railway Works Scheme, and Najanguā Tellicherry Railway, No. 1644-S., dated Simla, the 28th May 1924.*

I am directed to forward for your information and careful observance a copy of the Government of India's Resolution No. S-217, dated the 6th May 1924, in the Department of Industries and Labour with its enclosure, promulgating the rules which will henceforth regulate the purchase of stores for the public service. I am to impress upon you the importance which the Government of India attach to all officers under your control carrying out the policy laid down in the preamble to these rules. The Railway Board desire that not only shall these rules be strictly adhered to, but that all concerned shall be instructed loyally to observe the policy underlying them.

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*Letter from the Secretary, Railway Board, to the Agent, East Indian, Bengal Nagpur, Madras and Southern Mahratta, South Indian, Great Indian Peninsula, Bombay, Baroda and Central India, Bengal and North Western, Rohilkhand and Kumaon, Assam Bengal and Burma Railways, No. 1644-S., dated Simla, the 28th May 1924.*

I am directed to forward a copy of the Government of India's Resolution No. S-217, dated the 6th May 1924, in the Department of Industries and Labour, with its enclosures, promulgating the rules which will henceforth regulate the purchase of stores for the public service. I am to ask you to communicate a copy of the Resolution and the rules to your Home Board. The Railway Board feel confident that the Home Board will recognise that the policy laid down in these new rules has been approved by the Government of India and that they will realise the necessity of giving full effect to the policy in your railway.

*Letter from the Secretary, Railway Department (Railway Board), Simla, to the Agents, North Western, Oudh and Rohilkhand, and Eastern Bengal Railway, No. 2574-S., dated the 18th August 1924.*

I am directed to invite your reference to my letter No. 1644-S., dated 28th May 1924, forwarding with remarks a copy of the Government of India's Resolution in the Department of Industries and Labour No. S-217, dated 6th May 1924, and to say that the Railway Board have for some time past been considering how, without derogating from the responsibility of the Agents of railway administrations for the efficient and economical management of the railway systems in their charge, a greater use than at present can be made of the facilities which the Indian Stores Department are now in a position to offer for the inspection, test and purchase of railway stores. The actual facilities which the Indian Stores Department can now provide are summarised in the annexure to this letter.

2. I am to refer first to the question of purchase. The Indian Stores Department make at present a charge of one per cent. on the cost of articles purchased by them. But you will readily realise that a widespread organisation may, from their intimate acquaintance with a large range of markets, and the ability to place orders in bulk which their position as buying agents for many departments and Provincial Governments gives them, be in a position to obtain more favourable quotations, especially for certain classes of stores, than any individual railway can be, and that the resultant economy may more than offset, the commission now charged by the Stores Department, the amount of which may possibly be reconsidered in the near future. The Railway Board, therefore, wish you to make the fullest use of the Indian Stores Department as a purchasing agency in all cases in which you consider that their services can advantageously be utilised and in which purchase in India is permissible under the stores rules; and, while they leave the classes of stores to be purchased in this way entirely to your discretion and have no desire to limit them, they would suggest that indents might with special advantage be placed with the Indian Stores Department for such of the following articles as you may require:

Textiles.

Cement.

Leather.

Lubricating and other oils, and turpentine.

Ropes and cordage.

Chemicals (Acids and coal tar, etc.).

Hides.

Iron wire.

Cast iron piping specials and fittings.

Dogspikes and fish-bolts and nuts.

Cresote.

Bearing plate and charis.

Cast iron and steel sleepers.

Building roofs and steel structures usually purchased in India.

Points and crossings.

I am to explain in this connection that the Stores Department effect their purchases in accordance with strict specifications in every case in which the prescription of a specification is considered to be advisable. They are prepared to act on specifications drawn up by the railway administrations, and not to depart from them in any material respect without the concurrence of the latter; or, when there are no railway specifications, to draw up specifications themselves in consultation, if need be, with the railway administrations. Moreover, it is the established practice of the department to refrain from placing an order for stores in cases in which the amount of the most suitable tender appreciably exceeds the indenter's estimate of cost without the prior approval of the indenter.

The Railway Board understand that a representative of the Indian Stores Department proposes shortly to visit you in order to see in what directions the Stores Department can assist you, and also to ascertain the extent to which you are likely to place indents with that Department.

3. The Railway Board are aware that the facilities for inspection and test provided by the Indian Stores Department are to a considerable extent utilised by you, but they feel that still greater use might possibly be made of them, since it appears to them that in functions of this nature, a large central organisation should have many



advantages over a number of smaller organisations. It operates in a wider field, it can specialise to a greater extent in the distribution of its inspection work, and can concentrate and employ more up-to-date methods for the testing of materials. In any event, you will no doubt agree that all articles purchased by you through the Indian Stores Department should be inspected and tested by them.

*Letter from the Secretary, Railway Department (Railway Board), Simla, to the Agent, East Indian Railway, Great Indian Peninsula Railway, No. 2574-S., dated the 18th August 1924.*

I am directed to forward a copy of a letter No. 2574-S., dated 18th August 1924, which has been addressed to the Agents of State-managed railways, asking them to make use of the Indian Stores Department for the inspection, test and purchase of railway stores in all cases in which they consider that they can advantageously do so. I am to request that if you see no objection you will utilise the services of the Indian Stores Department in the same manner; and to say that the Railway Board understand that a representative of the department proposes shortly to visit you in order to see in what directions it can assist you, and also to ascertain the extent to which you are likely to place indents with the department.

#### WITHDRAWAL OF THE ONE-RUPEE NOTE FROM CIRCULATION.

2136. \*Mr. K. C. Neogy : Will Government be pleased to state when they are going to withdraw the one-rupee note from circulation ?

The Honourable Sir Basil Blackett : I would invite a reference to the Controller of the Currency's press communiqué, dated 26th August 1924, on the subject. The issue of the one-rupee notes will, in accordance with that communiqué, cease in the current month, but it is not proposed to take any special steps to withdraw from circulation those notes which remain outstanding.

#### IMPOSITION OF OFFSETTING DUTIES.

2137. \*Mr. K. C. Neogy : (A) Will Government be pleased to state if any application has been made to Government for the imposition of offsetting duties as provided in the Indian Tariff Act to make up the difference between the market price and the standard price of Rs. 180 per ton fixed by the Tariff Board ? (B) Will Government be pleased to state what action they have taken on this application ? (C) Have Government any information as to the ruling market prices for various items scheduled in the Indian Tariff Act ? If so, will they be pleased to lay on the table a statement indicating in each case the difference from the standard price fixed by the Tariff Board ?

The Honourable Sir Charles Innes : (a) Yes.

(b) The Government are in communication with the applicants on the subject.

(c) A statement showing the latest information available was laid on the table in reply to Diwan Bahadur M. Ramachandra Rao's question No. 1852.

#### INTRODUCTION OF A REVISED FORM OF RAILWAY RISK NOTES.

2138. \*Mr. K. C. Neogy : (A) Will Government be pleased to state whether they are aware of the dissatisfaction in the country with regard to the liability of railways for goods carried to the consignors even after the recent amendment in the Railway Risk Notes ? (B) Will Government be pleased to state what action they propose to take thereon ?

**Mr. C. D. M. Hindley :** (a) The reply is in the negative.

(b) The revised forms, as recommended by the Risk Notes Revision Committee and drawn up by Government's legal advisers, will be introduced on 1st October 1924. Until sufficient experience of the effect of the revised forms has been gained, Government do not propose to take any action.

#### ESTABLISHMENT OF A RATES TRIBUNAL.

2139. **\*Mr. K. C. Neogy :** Will Government be pleased to state what progress has been made in the consideration of the question of the establishment of a Rates Tribunal recommended by the Acworth Committee ?

**Mr. C. D. M. Hindley :** Government have forwarded their proposals to the Secretary of State, whose reply is awaited.

#### MEMORANDA PRESENTED BY THE INDIAN COLONIES COMMITTEE TO HIS MAJESTY'S GOVERNMENT.

2140. **\*Mr. K. C. Neogy :** Will Government be pleased to lay on the table a copy of the Memorandum presented by the Indian Colonies Committee to His Majesty's Government ?

**Mr. J. W. Bhore :** As the Honourable Member is aware the matters touched upon by the Colonies Committee are with the exception of the Immigration Ordinance still live issues and Government regret that they are unable to lay on the table copies of the Memoranda presented by the Committee to the Right Honourable the Secretary of State for the Colonies. Later on it is hoped it may be possible to give effect to his suggestion.

#### GRIEVANCES OF INDIANS IN RESPECT OF THE HIGHLANDS AND FRANCHISE IN KENYA.

2141. **\*Mr. K. C. Neogy :** With reference to the statement recently made by Mr. Thomas in the House of Commons on the Kenya question, what further steps do Government propose to take to remedy the grievances of Indians in respect of the Highlands and franchise in Kenya ?

**Mr. J. W. Bhore :** The attention of the Honourable Member is invited to the reply given to part (c) of Dr. H. S. Gour's question No. 2016.

#### REPRESENTATION OF INDIAN VIEWS BEFORE THE ORMSBY-GORE AND THE SOUTHBOROUGH COMMITTEES.

2142. **\*Mr. K. C. Neogy :** What steps do Government propose to take for the representation of Indian views before the Ormsby-Gore Committee now touring in East Africa, and the Southborough Committee attached to the Colonial Office ?

**Mr. J. W. Bhore :** The Government of India are now in communication with the Secretary of State for India on the subject.

**Diwan Bahadur T. Rangachariar :** Do the Government realise the urgency of the question, and will they press the Secretary of State for a reply ?

**Mr. J. W. Bhore :** I can assure the Honourable Member that the Government fully realise the urgency of the matter.

**APPEALS OF THE EMPLOYEES OF THE EASTERN BENGAL RAILWAY AGAINST THE ORDERS OF DISTRICT OFFICERS.**

2143. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether they are aware that the Agent of the Eastern Bengal Railway has issued orders by Notification No. 749 published in Weekly Gazette No. 25 of 1923, that he would refuse to entertain appeals preferred by the employees of the E. B. Railway against the District Officers? If the reply be in the affirmative, will they be pleased to state whether such orders are in consonance with the spirit of Rule 4 of Section 298, Chapter IV of State Railway Open Line Code, Vol. 2?

**Mr. C. D. M. Hindley :** Government have sent the Honourable Member's question to the Agent for remarks.

**QUARTERS OF OFFICERS OF THE EASTERN BENGAL RAILWAY AT ALIPORE.**

2144. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether they are aware that the officers of the E. B. Railway have recently been accommodated in a flat called Alipur Officers' Flat at a cost of about twelve laes of rupees? If the answer be in the affirmative, will they be pleased to state why the demand for quarters for subordinate staff were overlooked?

**Mr. C. D. M. Hindley :** Government have sanctioned a scheme for providing quarters for the Eastern Bengal Railway officers at Alipore, but they have not overlooked the demand for subordinates' quarters, for which a very large sum has been sanctioned in the past two years.

**RECRUITMENT OF INDIAN ASSISTANT STATION MASTERS FOR SPECIAL CLASS STATION ON THE EASTERN BENGAL RAILWAY.**

2145. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state if assistant station masters on the higher scale (Rs. 220 to Rs. 330) have been recruited for any special class stations on the E. B. Railway?

(b) If so, will Government be pleased to state if any Indians have been recruited? If not, why not?

**Mr. C. D. M. Hindley :** (a) Yes.

(b) So far as known no Indians have yet been appointed to these posts because no suitable Indian candidates were available. Special arrangements have, however, been made to train men of better educational qualifications with the idea of fitting them for these higher posts.

**APPOINTMENT OF TWO ANGLO-INDIANS AS GUARDS ON THE EASTERN BENGAL RAILWAY IN PREFERENCE TO QUALIFIED INDIANS ALREADY IN THE SERVICE.**

2146. **\*Mr. N. M. Joshi :** (a) Are Government aware that the District Traffic Superintendent, Lalmonirhat, of the E. B. Railway, has recently appointed two Anglo-Indians as Guards on Rs. 100, i.e., the maximum pay of the Class "A", in preference to many senior Indians who are in service and passed the examination over two years ago?

(b) If the answer to (a) be in the affirmative, will they be pleased to state if the action of the District Traffic Superintendent, Lalmonirhat, was

in consonance with the Standing Orders regulating the appointments and promotions? If not, will they be further pleased to state what action was taken in this matter?

**Mr. C. D. M. Hindley :** The Government have no information. They presume that the aggrieved party if any will appeal to the Head of its Department.

EUROPEAN, ANGLO-INDIAN AND INDIAN CHARGEMEN IN THE EASTERN BENGAL RAILWAY WORKSHOPS.

2147. **\*Mr. N. M. Joshi :** Will Government be pleased to state how many Indians, Anglo-Indians and Europeans are employed as Chargemen in the E. B. Railway Workshops?

**Mr. C. D. M. Hindley :** According to the latest information available there are 5 Indians and 31 Anglo-Indians and Europeans employed as Chargemen on the Eastern Bengal Railway.

ALLEGED ASSAULT BY MR. GASPER, LOCO. FOREMAN, KATIHAR, ON PHOOL MOHAMMAD, PUMPING DRIVER, KATIHAR.

2148. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether they are aware that one Mr. Gasper, Loco. Foreman, Katihar, assaulted one Phool Mohammad, Pumping Driver, Katihar, and when the latter wanted to see the Medical Officer, Katihar, the Loco. Foreman sent a letter to the Medical Officer, Katihar, requesting him not to give him unfit certificate? If not, will they be pleased to inquire into the matter and communicate the result of their inquiry to the House?

**Mr. C. D. M. Hindley :** From information received from the Agent, Eastern Bengal Railway, it appears that the allegations of assault referred to were made but were found to be without foundation. No request was made to the Medical Officer, Katihar, to refuse unfit certificate to Phool Mohammed. The man was examined by the medical officer and found fit. Subsequently he absented himself and was therefore discharged from service.

**Mr. Amar Nath Dutt :** Is it a fact that Phool Mohammad attended the local hospital and produced a medical certificate from the local doctor which was not accepted by the Loco. Foreman?

**Mr. C. D. M. Hindley :** I must ask for notice of that question. I have not the information with me.

PROMOTION OF INDIAN STATION MASTERS TO STATION SUPERINTENDENTS AND TRAFFIC INSPECTORS ON THE EASTERN BENGAL RAILWAY.

2149. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether the E. B. Railway authorities have so far selected any one from the Indian station masters list for promotion to the posts of Station Superintendents and Traffic Inspectors in that Railway? If so, how many such selections have so far been made? If not, why not?

**Mr. C. D. M. Hindley :** Full information on this subject has already been communicated to the Honourable Member in  
12 Noon. reply to his question of 11th June 1924. A copy of the

letter to the Honourable Member is laid on the table.

*Letter from the Secretary to the Government of India, Railway Department (Railway Board), to N. M. Joshi, Esq., M.L.A., No. 674-E., dated Simla, the 21st June 1924.*

#### PROMOTION OF INDIAN TRAFFIC STAFF.

With reference to the reply given to question No. 1457 in the Legislative Assembly on the 11th June 1924, I am directed to state that no Indian Station Master, Assistant Station Master or Guard of the Eastern Bengal Railway has been directly promoted to the posts of Traffic Inspector, Transportation Inspector, Claims Inspector or Assistant Traffic Superintendent, the reason being that until recently the men taking up these appointments were not generally speaking suitable for the higher posts referred to owing to insufficient education and inability to control others.

I am however to add that Indian Office clerks, Shed Inspectors and Assistant Goods Supervisors of the Eastern Bengal Railway have been appointed as Traffic Inspectors, Claims Inspectors and Outstanding Inspectors and that one Indian Traffic Inspector and one Indian clerk have been appointed Assistant Traffic Superintendents in the Local Traffic Service.

#### PROMOTION OF REVERTED GUARDS ON THE EASTERN BENGAL RAILWAY.

2150. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state whether they are aware that some of the Indian guards in the E. B. Railway were reverted from "B" class to "A" class owing to retrenchment?

(b) If so, will they state whether these retired guards are entitled to promotion to the "R" class when any vacancies occur in that class?

(c) If the answer to (b) be in the affirmative, will Government also be pleased to state how many vacancies in the "B" class occurred during the year 1923 and how many of them were given to the reverted guards referred to in (a) above?

**Mr. C. D. M. Hindley :** (a), (b) and (c). Government have no information and are unwilling to call for reports in a minor matter of this sort which must be left to the discretion of the Agent to decide.

#### ALLOWANCES GRANTED TO STAFF OF THE EASTERN BENGAL RAILWAY FOR WORKING ON SUNDAYS AND HOLIDAYS.

2151. **\*Mr. N. M. Joshi :** With reference to the reply given by the Chief Commissioner of Railways to question No. 1214, Part (c) and (d), of the Legislative Assembly, dated the 4th June 1924, will Government be pleased to state if Sundays are considered as general holidays for all employees or are treated specifically as Christian holidays? If the former, how are the European drivers entitled to extra pay if required to work on Sundays?

(b) Will they be pleased to state if the Indian Running Staff of the Traffic Department of the E. B. Railway also draw extra allowance for working on Sundays like that of European and Anglo-Indian Guards?

(c) Will Government be pleased to state whether the European and Anglo-Indian drivers of the State Railways generally draw extra pay for 52 Sundays and 7 Christian holidays and the Indian drivers of the State Railways draw extra pay only for 2 Muhammadan and 3 Hindu Holidays? If so, why are not Indian drivers given pay for 52 Sundays?

(d) Will they also state if they are prepared to recommend to all the Railway authorities to extend the same privileges in respect of extra

pay to the Indian drivers as are enjoyed by the European and Anglo-Indian drivers ? If not, why not ?

(e) Will Government be pleased to state whether it is a practice that the Agents of the State Railways have to nominate every year a certain number out of the subordinate staff for promotion to Superior (Traffic) rank ?

(f) If so, will they be pleased to state how many such nominations were made by the Agent of the E. B. Railway during 1922, 1923, 1924 and how many of them were Indians, Anglo-Indians and Europeans ?

**Mr. C. D. M. Hindley :** (a) Sundays are classified as general holidays. The day is primarily a Christian holiday and for working on this day European running staff have hitherto drawn an allowance.

(b) The allowance is drawn by Indian guards but not by Indians in the Locomotive staff of the Eastern Bengal Railway.

(c) Government have not got information as regards the local practice on all State lines, but speaking generally Europeans usually draw extra pay when working on Sundays, Christmas Day, Good Friday and the King's Birthday. On the Eastern Bengal Railway apart from the distinction referred to in (b) above Hindu and Muhammadan employees respectively get the allowance when working on seventeen of their gazetted holidays.

(d) The whole of this question is at present under consideration.

(e) No.

(f) Does not arise.

**Mr. Amar Nath Dutt :** As holidays are granted to Christians on Sundays, will the Government consider the desirability of granting holidays to Hindus on Thursdays and to Muhammadans on Fridays ?

**Mr. C. D. M. Hindley :** The Honourable gentleman, Sir, in putting this question, has revealed the difficulties attendant upon this most troublesome problem. I have already said the matter is under the consideration of the Government.

**Khan Bahadur W. M. Hussanally :** May I ask if Muhammadans are allowed extra allowances when they work on Fridays, which is their sabbath ?

**Mr. C. D. M. Hindley :** I have already answered that question.

#### WORKING HOURS OF THE TRAFFIC AND TRANSPORT STAFF ON INDIAN RAILWAYS.

2152. **\*Mr. N. M. Joshi :** (a) With reference to the reply given by the Chief Commissioner of Railways to question No. 1236, asked on the 4th June 1924, on the subject of the working hours of the Traffic and Transport Staff on Indian Railways, will Government be pleased to state whether it is not a fact that even at important transshipment stations such as Naihati, Santahar, Parbatipur, Siliguri, Lalmonirhat, Khulna, the transshipment staff have actually to work for 12 hours or even more a day without extra allowance or remuneration of any kind ?

(b) Will they be pleased to state whether they intend to make any provision for extra allowance for extra work referred to in (a) above ? If not, will they enforce the 8 hours a day or the 60 hours a week rule as already approved and accepted by the Government of India ?

**Mr. C. D. M. Hindley :** Government have not the information, but are making inquiries.

REVISION OF PAY OF THE CIVILIAN CLERKS IN THE NORTH WEST FRONTIER PROVINCE.

2153. **\*Mr. N. M. Joshi :** (a) With reference to the reply given by Mr. E. B. Howell to question No. 857 in the Legislative Assembly on the 17th March 1924, will Government be pleased to state whether the inquiries by the Punjab Government foreshadowed therein have since been completed ? If so, do Government now propose to level up the grading of the N. W. F. P. civilian clerks of Districts and Headquarters Offices according to the Punjab clerical grades of corresponding offices ?

(b) If the answer to (a) above be in the affirmative, do Government propose to give retrospective effect to the revision inasmuch as the existing rates of pay were introduced in the Punjab over four years ago during which period the N. W. F. P. clerks have been serving on reduced pay ?

(c) Will Government be pleased to state the reasons why the question of the revision of pay of the N. W. F. civilian clerks which has been under consideration since October 1920, has been delayed so long ?

(d) Will they also state whether they will consider, at the time of sanctioning the revision, the advisability of giving retrospective effect to the revision in view of the delay caused in sanctioning it ?

(e) Will Government be pleased to state whether it is a fact that a differential treatment was given to a number of clerks in the N. W. F. Province by allowing the Irrigation clerks of the same Province revision of pay with effect from the 1st March 1923 and not granting the remaining clerks revised pay with effect from the same date ?

**Mr. Denys Bray :** (a) It is understood that a report has been submitted to the Punjab Government whose orders are awaited.

(b) Does not arise.

(c) The chief reason is that finality has not yet been reached over the Punjab rates.

(d) Yes, but this must not, of course, be taken as a promise that the result will be favourable.

(e) The Honourable Member's attention is invited to the reply given on the 24th March 1924 to his question No. 1042.

GRANT OF COMPENSATORY ALLOWANCE TO THE POSTAL STAFF AT DHARAMSALA.

2154. **\*Lala Hans Raj :** Are the Government aware that since 1st April 1922 the civil servants of Dharamsala are getting compensatory

allowance while the postal servants are not. If so, will the Government be pleased to state why the honest postal servants are deprived of this allowance ?

**The Honourable Mr. A. C. Chatterjee :** The reply to the first part of the question is in the affirmative. With respect to the second part, the question had been recently considered by me and in view of all the circumstances I came to the conclusion that no compensatory allowance was justified in the case of the postal staff at Dharamsala.

## UNSTARRED QUESTIONS AND ANSWERS.

### SUPERINTENDENTS OF POST OFFICES.

**350. Dr. K. G. Lohokare :** (a) How many persons were given permission to appear at the Departmental examination for Superintendents of Posts during the last seven years ?

(b) Of these how many were from the subordinate service and how many were direct recruits ?

(c) How many of these selections from the subordinate service were persons who had served as camp clerks to the Heads of Offices in the Department ?

(d) Is it a fact that the post of a camp clerk is a special one not being on the general time-scale list ?

(e) In recommending a subordinate for permission to appear at the Departmental examination for Superintendents are there any rules regarding service, educational qualifications, competency, etc., by which the merits of the subordinates are to be judged, so that the process of selection would at least take up persons of a certain standard ?

(f) Is it a fact that in this process of selection this year, claims of Inspectors of good capability, graduates with good service, and other capable persons were overlooked in preference to persons who were or are camp clerks ?

(g) What educational qualifications, period of service, otherwise than as camp clerks, or any special capability do those persons who have been permitted this year hold ?

(h) Do Government propose to see that some rules regarding this selection are laid down in order that selection may not amount to favouritism ?

**Mr. H. A. Sams :** (a) 133.

(b) 44 and 89, respectively.

(c) 1 in 1918, 1 in 1919, and 2 in 1924.

(d) No. The post of camp clerk is filled from the general cadre of administrative offices.

(e) No definite rules have been laid down either as regards length of service or educational qualifications. Ordinarily officials are not



nominated for the examination if their age exceeds 31 years. Those subordinates are recommended whose past work and conduct is such that they appear likely to make efficient executive officers.

(f) No.

(g) Of the two camp clerks nominated, one is a graduate. Neither has any service except as a camp clerk.

(h) The proposal will receive consideration.

#### PURCHASE OF LOCOMOTIVES FOR THE RAILWAYS.

351. **Mr. W. S. J. Willson :** (a) Were tenders called for in India for the 37 locomotives recently purchased ;

(b) Does the purchase of these 37 locomotives come within the purview of the Stores Rules ;

(c) Does it form part of the Rs. 150 crores programme ?

**Mr. C. D. M. Hindley :** (a) No.

(b) The purchase of these locomotives does not come within the purview of the Stores Rules, but there is nothing in the transaction which is opposed to the policy embodied in those rules.

(c) Yes.

#### MANUFACTURE OF STAMPS, STAMPED PAPER AND POSTAL STATIONERY IN INDIA.

352. **Khan Bahadur W. M. Hussanally :** Will Government be pleased to state :

(a) Whether stamps, stamped papers and postal stationery are to be manufactured in India, if so where and from what date the work will commence ?

(b) Whether the existing five Central stamp depots at Calcutta, Bombay, Madras, Rangoon and Karachi will be maintained for distribution of stamps as at present or the issue will be made at the place of manufacture ?

(c) Whether in case of abolition of the Central depot, their establishment will also be abolished or provided for locally or at the place of manufacture ?

(d) Whether the establishment at the place of manufacture will be under the control of the Central Government or the Provincial Government respectively ?

**The Honourable Sir Basil Blackett :** (a) Yes. A press for the manufacture of stamps, etc., is being established at Nasik Road and it is hoped that it will be in working order by the end of 1925 or the beginning of 1926.

(b) The matter is under consideration at present.

(c) This will depend on the decision arrived at on (b).

(d) Under the control of the Central Government.

#### COST OF PRESS FOR THE MANUFACTURES OF STAMPS, ETC., IN INDIA.

353. **Khan Bahadur W. M. Hussanally :** (a) What will be the cost of the buildings and machinery ?

(b) What will be the cost of manufacture ?

(c) What will be the yearly saving upon cost of imported stations from England ?

**The Honourable Sir Basil Blackett :** (a) A rough estimate is as below :

	Rs.
Buildings including drainage and water supply ..	17,07,000
Machinery and equipment, about ..	10,00,000

(b) The cost will fluctuate from time to time with the price of paper.

(c) No accurate figures can be given, but it is anticipated that the cost of manufacture in India will be substantially cheaper than the cost that is being paid to the present contractors in England. In this connection the Honourable Member's attention is invited to paragraphs 81 and 82 of the Report by Colonel Willis and Mr. Ascoli.

#### REDUCTION OF FARES ON RAILWAYS.

354. **Khan Bahadur W. M. Hussanally :** (a) Is it a fact that the G. I. P. R. has reduced its passenger rates recently ?

(b) What were the fares before ; and what will they be after the reduction ?

(c) Do other Company-managed Railways intend reducing their fares ?

(d) Do Government intend reducing the fares on State-managed Railways ? If so, when and to what extent ?

**Mr. C. D. M. Hindley :** (a) No, but the Great Indian Peninsula Railway have notified a reduction in I and II class fares from 1st October, 1924.

(b) The present and proposed fares are as follows :

Class.	Distance.	Present rate per mile.	Proposed rate per mile.
I	.. 1—300 miles ..	.. 30 pies.	24 pies.
	plus		
	Over 300 miles ..	.. 18 „	18 „
II	.. 1—300 miles ..	.. 15 „	12 „
	plus		
	Over 300 miles ..	.. 9 „	9 „

(c) Government understand that the Bombay, Baroda and Central India and Madras and Southern Mahratta Railways are introducing similar reductions from 1st October, 1924.

(d) The proposed revision of rates on the Great Indian Peninsula Railway will bring those rates to the level that now obtains on the North Western and Oudh and Rohilkhand Railways. On the Eastern Bengal Railway the Agent is experimenting with concessions in return fares, but if experience shows that even with these concessions the existing fares are more than the traffic can bear, the question of reducing the rates will no doubt be carefully considered.

**ALLEGED FRAUDS ON THE OUDH AND ROHILKHAND RAILWAY.**

**355. Mr. M. K. Acharya :** With reference to question No. 1381 of 9th June 1924, and the reply thereto, will Government be pleased to state (1) whether in the case of the alleged fraud in the Stores Department which was then *sub judice*, judgment has since been delivered ? (2) whether a brief summary may be laid on the table of the charges made and of the findings of the Court ?

**Mr. C. D. M. Hindley :** There are actually two cases. The Appellate Court delivered judgment in one a few days ago ; the other is still *sub judice*.

A brief summary of both cases will be sent to the Honourable Member after judgment has been delivered in the second case.

**ALLEGATIONS AGAINST KHAN BAHADUR M. A. KHAN, GOODS INSPECTOR, OUDH AND ROHILKHAND RAILWAY.**

**356. Mr. M. K. Acharya :** With reference to the answer given to the question 1381 of 9th June 1924, will Government be pleased to state (1) whether the notice of Government has been drawn to the points raised in pages 5, 6 and 7, of the *Weekly Mazdoor* of 23rd April 1924 ? (2) whether it is a fact that a certain officer named Khan Bahadur M. A. Khan was allowed to hold the dual appointments of Goods Inspector and "D. T. S. Claims" ? (3) and if so, for what length of time and why ? (4) what steps have been taken to inquire into the allegations made against the said officer in the issue of the *Weekly Mazdoor* above referred to ? (5) whether in a recent case before the Sessions Judge at Moradabad the Judge has passed severe strictures against the said officer ? (6) whether one of the two assessors actually held that the officer was personally involved in the swindle before the Court ?

**Mr. C. D. M. Hindley :** (1) Government have seen the pages referred to.

(2) Yes, the officer named officiated as an A. T. S. and not D. T. S. in addition to his own duties of Goods Inspector.

(3) Matters of this sort are left to the discretion of Agents, and Government have no information either in regard to the period or the reasons which rendered this arrangement necessary.

(4) The allegations are substantively those made by Mr. Naidu referred to in the answer given to Maulvi Muhammad Yaqub on the 5th June, 1924. They were carefully investigated and proved to be false.

(5) and (6). The Honourable Member does not state what case he refers to and Government have been unable to trace any reference to the officer in question. But this part of the question will be sent to the Agent for remarks.

**ALLEGATIONS AGAINST KHAN BAHADUR M. A. KHAN, GOODS INSPECTOR, OUDH AND ROHILKHAND RAILWAY.**

**357. Mr. M. K. Acharya :** With reference to question 1253 of 5th June 1924 and the answer thereto, will the Government be pleased to state (1) whether it was against the self-same officer that charges of corruption were brought by the late S. M. of Barabanki, for which the S. M. was dismissed ? (2) whether Government will lay on the table a copy of the

charges made by the S. M. and of the "documentary evidence" on the strength of which the charges were held to be false departmentally ? (3) whether, Government propose to call upon the said officer to vindicate his character in a Court of Law ? or (4) whether in the alternative, Government propose to order an impartial inquiry by a Committee of this House into the many allegations that have appeared in the Press against the administration of the O. and R. Railway, and especially against certain officers thereof ?

**Mr. C. D. M. Hindley :** (1) Yes, but as stated in the reply given to Maulvi Muhammad Yakub on the 5th June 1924, the station master was discharged with a month's notice and not dismissed.

(2) No.

(3) and (4). The Honourable Member is referred to replies given to (5) and (6) of the question just answered.

#### CASE OF GUARD MONTROSE OF THE EAST INDIAN RAILWAY.

358. **Mr. M. K. Acharya :** Will the Government be pleased to state (a) whether a guard of the E. I. Railway named Montrose was prosecuted about a year ago for gross neglect of duty resulting in death of a woman passenger ; (b) whether he was convicted by the trying Magistrate ; (c) whether the conviction was upheld by the Sessions Judge and by the High Court ; (d) whether the guard was helped by the Company all along to defend himself and in paying the fine ; (e) whether this has cost the Company more than Rs. 2,000 ; (f) whether, in spite of the conviction, the guard is still kept in service ; and (g) whether the Railway Board has sanctioned the contribution by the Company ?

**Mr. C. D. M. Hindley :** (a) Yes, but the guard in question was prosecuted under section 101 of the Indian Railway Act and not for gross neglect of duty as stated.

(b) to (g). The replies are in the affirmative.

#### AMALGAMATION OF THE GREAT INDIAN PENINSULA AND EAST INDIAN RAILWAYS.

359. **Mr. N. C. Kelkar :** (a) Is it a fact that a scheme is being formulated by Government, of an amalgamation of the G. I. P. and E. I. Railways into a new company, with the object of handing over the management of the two State Railways into the hands of the new Company ?

(b) If so, will Government please give the information in their possession regarding this scheme ?

**Mr. C. D. M. Hindley :** There is no such scheme.

#### COST OF MACHINERY FOR THE SUKKUR BARRAGE.

360. **Mr. N. C. Kelkar :** (a) Will Government state the cost of machinery which has been already purchased or ordered by the Bombay Government in connection with the Sukkur Barrage Scheme ?

(b) Will Government state whether this machinery was purchased or ordered through the Stores Department of the Government of India ?

**The Honourable Mr. A. C. Chatterjee :** (a) The Government of India have no information.

(b) The value of machinery purchased by the Indian Stores Department up to date for the Lloyd Barrage and canals scheme is Rs. 6,67,000 approximately.

#### RAILWAY CONCESSIONS FOR MILITARY TRAFFIC.

361. **Mr. N. C. Kelkar** : What is the total amount of the net financial concession made to the Military Department in the year 1923 in respect of the transport of its troops on duty and animals and stores over the several Railways in India and the travelling of troops on leave or private business, or in other words the difference between the amounts that should have been charged for the above items according to the standard schedules or tariffs and the amounts actually charged or received ?

**Mr. C. D. M. Hindley** : No actual figures are procurable, but in their total effect it seems unlikely that rates for military traffic give any concession over ordinary tariff rates. For example in the year 1922-23 the average receipts per passenger vehicle mile on the North Western, East Indian and Great Indian Peninsula Railways (three lines which may be taken as suitable for the purpose of this comparison) were 67.7 pies against the military vehicle rate of 66 pies. During the same period the average receipts per goods vehicle mile on the same three railways were 51 pies against the military vehicle rate of 60 pies.

In actual fact the rates for military traffic were not fixed in order to give any financial concession, but merely to simplify methods of payment, accounting and audit.

#### POSTAL INSURANCE FUND.

362. **Mr. N. C. Kelkar** : Will Government supply the information as to the mortality, interest, and the loading basis adopted at the three latest actuarial valuations of the Postal Insurance Fund ?

**Mr. H. A. Sams** : The following statement shows the tables of mortality, the rate of interest and the loading basis adopted at the three latest actuarial valuations of the Postal Insurance Fund.

*Statement showing the tables of mortality, interest and the loading basis adopted at the three latest actuarial valuations of the Postal Insurance Fund.*

Date of valuation.	Tables of mortality.	Rate of interest.	Load- ing reserve.
31st March 1912	HM (5) with an addition of five years to the age in the case of whole life assurances. OM (5) with some modifications for ages 19 to 30 in the case of endowment assurances.	3½ %	12.6 %
31st March 1917	Ditto ditto	3½ %	13.6 %
31st March 1922	Ditto ditto	3½ %	13.5 %

## CHIEF COMMISSIONER FOR INDIAN RAILWAYS.

363. **Mr. N. C. Kelkar :** (a) Is it a fact that the creation of the post of a Chief Commissioner for Indian Railways is in pursuance of one of the recommendations of the Ackworth Committee ?

(b) Was the Indian Legislature consulted before the said post was created and filled ?

(c) Did not Government advert to the fact that this action was contrary to the declaration of Government made in reply to a question by Mr. Manmohandas Ramji on 22nd of September 1921, that no administrative action would be taken on the reports of Committees or Commissions before an opportunity had been given to the Legislature to express an opinion on the proposed action ?

(d) Is it a fact that the said Chief Commissioner for Indian Railways holds views against the State management of Railways ?

**Mr. C. D. M. Hindley :** (a) Yes.

(b) No.

(c) The undertaking given by Government is being adhered to; it stated that as far as practicable an opportunity would be given to the Indian Legislature to express its opinion on administrative questions before action is taken by Government.

(d) No.

## EXPORT OF BEEF FROM INDIA.

364. **Mr. N. C. Kelkar :** Will Government give approximate figures for the last five years of (1) the export of beef from India, (2) the quantity of beef required for the British Army in India ?

**The Honourable Sir Charles Innes :** (1) A statement is laid on the table.

(2) 1 lb. per head per day.

*Statement showing the quantity of beef dried or otherwise—exported from each Indian Port to all ports other than Indian and Burmese.*

Ports whence exported.	1919-20.	1920-21.	1921-22.	1922-23.	1923-24.
	Cwt.	Cwt.	Cwt.	Cwt.	Cwt.
Madras . . . . .	Nil.	Nil.	Nil.	Nil.	Nil.
Bombay . . . . .	599	12	Nil.	Nil.	75
Calcutta . . . . .	Nil.	Nil.	Nil.	Nil.	Nil.
Total . . . . .	599	12	Nil.	Nil.	75

## POSTAL INSURANCE FUND.

365. **Mr. N. C. Kelkar :** Will Government state whether the information regarding the basis and details of the actuarial valuation of the Post Office Insurance Fund are published in any Government publications ?

If they are not, do the Government propose to order full details to be published in the life assurance year book issued through the Government Central Press ?

**Mr. H. A. Sams :** No. Government, however, have no objection to publishing the details of the actuarial valuation of the Postal Insurance Fund in the future issues of the Indian Life Assurance Year Book.

COMPENSATION PAID BY RAILWAYS ON ACCOUNT OF PERSONS KILLED OR INJURED IN ACCIDENTS.

**366. Mr. N. C. Kelkar :** Will Government supply information on the following points :

- (1) Total number of claims for compensation demanded by or on behalf of persons who received injuries or lost their lives in Railway accidents in the year 1923.
- (2) The total amount of compensation actually paid for the said claims.
- (3) Number of claims for amounts exceeding Rs. 10,000 and the amounts of compensation paid for these.

**Mr. C. D. M. Hindley :** The total amount of compensation paid by Class I Railways on behalf of persons who received injuries or lost their lives in railway accidents during the year 1923-24 was Rs. 2,70,790. Government have no knowledge of the number of claims for compensation made during the year.

SUGGESTIONS IN CONNECTION WITH BUDGET DEBATES.

**367. Mr. N. C. Kelkar :** Do the Government propose to consider the desirability of :

- (a) Presenting only the accounts and revised estimates portion of the financial statement towards the middle of February and allotting a couple of days for their discussion by the Assembly.
- (b) Splitting up the total demand for expenditure under the head 'Railways' into the following sub-heads and making each of these sub-heads a separate demand for the purposes of discussion and voting, viz. :
  - (1) Cost of construction of new lines.
  - (2) Maintenance and repairs to old lines.
  - (3) Payment of interest Sinking Fund. Rebate, Surplus profits compensation.
  - (4) Working charges including fuel and supervision.

**The Honourable Sir Basil Blackett :** (a) I doubt if this suggestion is practicable.

(b) This is already under consideration.

EFFICIENCY BAR FOR ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT.

**368. Mr. N. C. Kelkar :** (1) Will the Government of India please say whether they have issued any orders that the pay of accountants

(non-gazetted) of the M. A. Department, in receipt of pay of Rs. 500 per mensem since 1st April 1920, should be reduced to Rs. 450 per mensem if they have been considered since 31st March 1924 as unfit for promotion to the gazetted rank though they were considered fit when their pay was originally fixed under the time-scale.

(2) Is it a fact that it has been decided by the Government of India that the pay of an accountant in receipt of Rs. 500 per mensem should be reduced automatically to Rs. 450 whenever he is found unfit for further advancement even if the previous confidential reports on him for a number of years are satisfactory ?

(3) If the reply to parts (1) and (2) be in the affirmative will the Government please state whether this decision is based on any principle already embodied in Civil Service Regulations or any other Regulations ? Is there any such general standing order applicable to all Government servants of all grades that if an individual though considered fit for an appointment for a long time past is subsequently considered unfit for further advancement, the pay he is in receipt of and which was granted to him in respect of his past services should be reduced ? If not, will Government please state why the orders about the reduction of pay were considered necessary in the case of accountants of the Military Accounts Department ?

**The Honourable Sir Basil Blackett :** (1) and (2). The orders actually are that Accountants in receipt of Rs. 500 or Rs. 475 a month, who are declared in confidential reports for the year ending March 1924 to be unfit to hold appointments of Supervisors of Sections or for promotion as Deputy Assistant Controllers, should be restricted to Rs. 450 from the 1st August 1924, and, in future, such reduction will be made whenever an accountant proves unfit for these positions.

(3) The stage of Rs. 450 in the time-scale has been declared an efficiency bar which cannot, therefore, be passed unless an accountant displays a certain degree of efficiency. It follows from the general principle underlying efficiency bars that if, after passing the bar, an officer becomes inefficient he is liable to reduction to the latter stage. I would add that the Civil Service Regulations even provide for removal from the service for inefficiency, Articles 353 and 418.

#### WORKING HOURS IN THE MILITARY ACCOUNTS DEPARTMENT.

369. **Mr. N. C. Kelkar :** Is it a fact that the establishments in the Military Accounts Department have even after the war still to work extra hours both in and out of office to cope with the work and if so :

(a) how many hours a day,

(b) how long is this state of things to continue and would the Government be pleased to state what steps they have already taken or propose to take to prevent it ?

**The Honourable Sir Basil Blackett :** With the return to normal conditions the establishments of the Military Accounts Department are not now required to work extra hours to any appreciable extent except to meet temporary and occasional emergencies.



**PRODUCTION OF MEDICAL CERTIFICATES BY THE OFFICE ESTABLISHMENT OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.**

370. **Mr. N. C. Kelkar :** With reference to my interpellation No. 1280, on the 5th June 1924, will the Government of India be pleased to ascertain and state the number of cases in which certificates granted by the registered medical practitioners for leave of absence in excess of 7 days were accepted without the countersignature of the Government medical officer and in how many cases they were not accepted.

**The Honourable Sir Basil Blackett :** The required information has been called for and will be furnished to the Honourable Member on receipt.

**AGREEMENTS BETWEEN THE GOVERNMENT OF INDIA AND FOREIGN GOVERNMENTS FOR THE SUPPLY OF INDIAN OPIUM.**

371. **Mr. N. M. Joshi :** Will Government be pleased to lay on the table copies of the agreements made by the Government of India with the other Governments for the supply of Indian opium ? If not, why not ?

**The Honourable Sir Basil Blackett :** A model agreement has been placed on the table as desired. Agreements entered into before 1923 do not contain a provision for the certification of imports.

AGREEMENT between the Government of India and the Government of ..... regarding direct supplies of opium from India.

1. The Government of ..... agrees to take the whole or substantially the whole of its requirements from India.

2. The Agreement is to come into force on the .....

3. The Agreement is to be in force for ..... years. The question of renewal will be the subject of further negotiations between the two Governments at a later period ; such negotiations to be concluded by the end of ..... or, by mutual consent, at a later date.

4. The Agreement may be terminated by giving ..... years' notice if it is found to work unfairly towards either party.

5. The price of opium supplied under this Agreement shall be Rupees ..... Thousand per chest. But if the Government of India, subsequently to the introduction of these arrangements, should arrange for direct sales to another Government on the basis of a lower price than Rs. .... per chest, the same reduced price shall be applied to sales to the Government of ..... with effect from the date on which it first becomes operative in the case of the other customer.

6. The Government of ..... is under no obligation to take a minimum quantity of raw opium.

7. The requirements for any year shall be intimated by the Government of ..... before the 15th September in the preceding year.

8. Each year's notification of the number of chests required for the succeeding year will be accompanied by a certificate by the Government of ..... (in such form as may from time to time be prescribed) stating that the import of the amounts notified is approved by the Government of ..... and is required for legitimate purposes.

9. A fixed amount shall be supplied month by month, six months' notice being given of any increase or decrease.

10. The Government of ..... agrees to intimate to the Government of India the causes of any large variation in the quantity taken.

11. Details arising out of the Agreement to be settled between the Government of India and the Government of .....

**EFFECT OF THE IMPORT CERTIFICATE SYSTEM ON THE AMOUNT OF INDIAN OPIUM SOLD FOR EXPORT.**

372. **Mr. N. M. Joshi :** Will Government be pleased to state what was the effect, if any, of the adoption of the import certificate system on the amount of Indian opium sold for export ?

**The Honourable Sir Basil Blackett :** The import certificate system came into force on the 1st January 1923. No inference can be drawn from the figures of exports so far available as to the effect of the import certificate system.

**RESTRICTED SALE OF PROVISION OPIUM TO THE NON-CHINA MARKET IN THE FAR EAST.**

**373. Mr. N. M. Joshi :** Will Government be pleased to state :

(a) if it was a fact that about the year 1911, the Government restricted the sale of provision opium to the non-China market in the Far East to 14,000 chests ?

(b) why it was so restricted ?

(c) how the figure 14,000 was arrived at ?

(d) if that limit has ever been exceeded since 1911 and why ?

**The Honourable Sir Basil Blackett :** (a) Yes.

(b) In order to prevent smuggling into China.

(c) With reference to the legitimate requirements of those markets based on past experience.

(d) Yes, only once ; i.e., in 1918, when it went up to 14,551. The increase was due to somewhat heavy demands from Siam, Japan and Indo-China ; and as the limit of 14,000 was only a rough working guide and not an absolute limit the small excess was ignored by the Government. I am circulating with the votes a statement showing the exports of opium to each importing country since 1910 from which it will be seen that the annual average is much less than 14,000 and is constantly decreasing.

*Statement showing the number of chests of opium exported from India during the years 1910-23.*

1 chest = 140 lbs.

Destination.	1910.	1911.	1912.	1913.	1914.	1915.	1916.	1917.	1918.	1919.	1920.	1921.	1922.	1923.
China ..	34,240	31,881	23,202	4,612	..	..	..	..	..	..	..	..	..	..
Singapore ..	10,688	7,309	4,608	2,367	965	3,230	3,998	4,818	4,284	4,155	3,090	3,010	1,820	2,100
Hongkong ..	..	..	..	1,120	1,236	734	860	860	856	1,009	180	120	150	240
Fenang ..	..	..	..	200	..	10	..	..	..	..	..	..	..	..
Colombo ..	..	..	..	105	80	85	60	60	70	50	60	70	60	30
Batavia ..	..	..	..	3,588	1,800	2,415	1,938	2,300	2,000	2,060	2,900	2,300	1,800	900
Hariphong ..	..	..	..	295	..	..	..	..	..	..	..	..	..	..
Puket ..	..	..	..	30	..	..	..	..	..	..	..	..	..	..
Manzanillo ..	..	..	..	..	..	15	..	..	..	..	..	..	..	..
Bura ..	..	..	..	..	..	1	1	..	..	..	..	..	..	..
Sydney ..	..	..	..	..	..	1	1	6	..	1	..	..	..	..
Bercelona ..	..	..	..	..	..	5	..	..	..	..	..	..	..	..
London ..	..	..	..	85	458	150	..	..	..	..	..	..	..	..
Kobe ..	..	..	..	1,199	800	930	1,060	1,068	1,658	1,150	900	150	50	150
Bangkok ..	..	..	..	1,350	2,200	1,700	1,300	1,100	1,700	1,700	1,700	1,700	1,650	1,600
Belga ..	..	..	..	450	2,150	2,675	2,625	2,595	2,790	1,920	950	1,655	1,700	2,975
Mauritius ..	..	..	..	17	25	40	125	30	47	..	35	..	..	..
Maeco ..	..	..	..	295	..	..	..	..	..	..	531	440	500	240
Manila ..	..	..	..	..	190	225	120	..	..	..	..	..	..	..
Manzanillo ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Yokohama ..	..	..	..	..	..	..	..	70	25	20	..	..	..	..
Durham ..	..	..	..	..	..	..	1	..	..	..	..	..	..	..
Barrow ..	..	..	..	..	..	..	..	..	..	..	..	..	55	125
Palmer ..	..	..	..	..	..	..	200	..	..	..	..	..	..	..
Sava (S) ..	..	..	..	..	..	..	1	..	..	..	..	..	..	..
By .. North ..	..	..	..	..	..	..	..	..	120	226	176	240	90	84
Bombay ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
New York ..	..	..	..	..	..	..	..	..	1	..	..	..	..	..
San Francisco ..	..	..	..	..	..	..	..	..	2	..	..	..	..	..
London ..	..	..	..	..	..	..	..	..	..	..	..	85	283	100
Other countries ..	3,992	5,873	2,922	..	..	..	..	..	..	..	..	..	..	..
<b>TOTAL ..</b>	<b>48,290</b>	<b>44,518</b>	<b>34,827</b>	<b>15,790</b>	<b>9,924</b>	<b>12,216</b>	<b>12,337</b>	<b>12,902</b>	<b>14,551</b>	<b>12,231</b>	<b>10,522</b>	<b>9,770</b>	<b>3,125</b>	<b>3,544</b>

## SOURCES OF OPIUM SUPPLY.

374. Mr. N. M. Joshi : Will Government be pleased to state what were the source from which the Government of India obtained the supplies of opium, from 1911 onwards, the quantities, at 70 degrees consistence in maunds so obtained in each source ; and under what circumstances the different sources were resorted to ?

The Honourable Sir Basil Blackett : For a statement of the position in respect of the sources of opium supply, I would refer the Honourable Member to the Government of India's despatch No. 28, dated the 18th March 1921, which was published in the Supplement to the Gazette of India, dated the 17th September, 1921. The quantities obtained are given below :

Year.	Outturn in				Quantity purchased from	
	Benares Agency.				Malwa States.	
	Mds.				Mds.	
1911-12	31,473				..	
1912-13	26,813				6,247	
1913-14	24,292				20,502	
1914-15	28,293				13,551	
1915-16	27,001				20,812	
1916-17	32,124				7,887	
1917-18	32,248				7,374	
1918-19	27,343				8,199	
1919-20	..	..	..	..	22,731	2,921
1920-21	..	..	..	..	14,340	11,223
1921-22	..	..	..	..	18,310	12,703
1922-23	..	..	..	..	23,900	16,346

## TRANSACTIONS IN MALWA OPIUM.

375. Mr. N. M. Joshi : Will Government be pleased to state:

- Why in Appendix VII of the " Report on the Operations of the Opium Department " for the years since 1917, opium received from Central India is shown in column 5, but not in Appendix XIII of the same Report ?
- Why in tables on Opium Revenue in the Statistics of British India, (of 1922, Vol. II, Financial, Nos. 12 to 23), and in the Statistical Abstract for British India, no reference is made to the quantities of Malwa opium purchased by, or specially cultivated for, the Government of India ?
- If in future the Government intend to arrange to supplement the tables referred to in (b) above in the Statistics of British India and Statistical Abstract with information regarding transactions of the Government in Malwa opium also, and to include all the information now furnished in Appendix VII of the Report of the Operations of the Opium Department ?

The Honourable Sir Basil Blackett : (a) Columns 9 and 10—" Exercise Chests "—in Appendix XIII, include the opium received from Central India. Appendix XIII (before the report for 1916-17, Appendix XX) is in a form that dates from the time when no Malwa opium was purchased.

(b) As in the case of the Table referred to in clause (a) of this question, the form of the Table has remained unchanged from the time when no Malwa opium was purchased ; but it will be seen that details of the quantities of opium purchased by the Government of India from the Malwa States are given on page 152 of Volume II, Financial Statistics, 1922. In the Opium Revenue Accounts, the charges on account of Malwa opium appear as expenditure, just like the payments to cultivators in the United Provinces for the crude opium.

(c) The question of revising the form of both the Tables referred to is under consideration.

**SCHEME OF INTERCHANGE OF PUBLIC HEALTH PERSONNEL ORGANISED BY THE LEAGUE OF NATIONS.**

**376. Mr. N. M. Joshi :** Will Government be pleased to state whether it is a fact, and if so, whether they are aware of it, that connected with the League of Nations there exists a system of interchanges of Medical Health Personnel organised by the League's Health Committee largely with the aid of the funds from the Rockefeller Foundation ? If so, will they be pleased to state whether they have considered the desirability of availing themselves of it in the interests of the Public Health in India ? If not, do they propose to do so now and announce their decision ?

**Mr. J. W. Bhore :** The Honourable Member is correct in his assumption, and the Government of India are aware of the arrangement now in operation in Europe and America through the League of Nations. This interchange of health personnel is in its infancy, and up to date has been confined, with the exception of Japan, to European countries and America. The extension to other continents is in contemplation and the League has suggested that an interchange should be organised particularly for the countries of the Far East in 1925.

When the League's proposals have matured, the Government of India intend to bring the matter to the notice of the various Local Governments.

**LISTED POSTS FOR MEMBERS OF THE PROVINCIAL CIVIL SERVICE.**

**377. Mr. W. M. Hussanally :** I. With reference to the Honourable Sir William Vincent's reply to question No. 148 by Rai G. C. Nag Bahadur, M.L.A., on the 15th September 1921, in this Assembly, will Government please state whether in accordance with the assurance given therein, instructions were issued to the various Local Governments by the Government of India on the subject of giving more listed posts in the executive branch to the members of the Provincial Civil Service ?

II. Will the Government be pleased to state the date of the communication ?

III. What steps have the Government of India taken to secure the effective observance of these instructions by Local Governments ?

IV. (a) Have Government any information to show whether Local Governments are now acting in the spirit of these instructions ?

(b) If not, will the Government please call for reports from Local Governments and place the same on the table ?

V. Do the Government of India possess the necessary powers to have their undertakings carried out by the Local Governments ?

The Honourable Sir Alexander Muddiman : (1) and (2). The Honourable Sir William Vincent, in the reply referred to by the Honourable Member, mentioned a reference which had already been sent to Local Governments on 6th August 1921 and gave no assurance that any further reference would be made.

(3) The Government of India have issued nothing in the nature of instructions. The suggestions contained in their letter, dated 6th August 1921, resulted in the number of listed posts being raised from 70 in 1921 to 88 in 1923.

(4) As Sir William Vincent pointed out, the increase in the number of listed posts must vary with the conditions of the cadre of the Indian Civil Service in each province, and the Government of India have no reason to believe that Local Governments have failed to increase the number of these posts as opportunity has arisen. They do not consider that any further reference to Local Governments is at present necessary, especially in view of the fact that the method of recruitment from the Provincial Service is under consideration in connection with the recommendations of the Royal Commission on the Superior Civil Services.

(5) The relation of Local Governments to the Governor General in Council is defined in section 45 of the Government of India Act.

COMPENSATION TO THE FAMILY OF THE VILLAGER OF LOHOGAON WHOSE DEATH WAS CAUSED BY PRIVATE C. J. WALKER.

378. Mr. N. C. Kelkar : (a) Has the attention of Government been drawn to the following question and answer in the last July session of the Bombay Legislative Council ?

*Bombay Legislative Council, second session 1924, second list, page 66.*

Mr. R. G. Pradhan (Nasik District) : Will Government be pleased to state whether any compensation has been given to the family of the villager at Lohogaon for causing whose death Private C. J. Walker was charged before the Sessions Judge at Poona and subsequently acquitted by the High Court ?

The Honourable Sir Maurice Hayward : No such compensation has been awarded by this Government.

(b) Has the Military Department received any application from the widow of the villager referred to in the interpellation for compensation for the death of her husband ?

(c) Do Government propose to favourably consider the petition ?

(d) Do Government propose to consider the advisability of more strictly enforcing the Shikar rules under which Military men are allowed to go out for Shikar ?

Mr. E. Burdon : (a) I have not been able to trace in the published proceedings the question and answer referred to, but Government have no reason to question the accuracy of the Honourable Member's quotation.

(b) No.

(c) This question does not arise.

(d) Government do not propose to take any action in the direction suggested by the Honourable Member, since they are of opinion that the present rules are sufficiently strict.

#### ESTABLISHMENT OF A LABOUR OFFICE IN BOMBAY.

379. **Mr. K. C. Neogy** : Will Government be pleased to lay on the table all correspondence that they had with the Government of Bombay with regard to the establishment of the Labour Office in Bombay ?

**The Honourable Mr. A. C. Chatterjee** : It does not appear to Government that any advantage is to be gained by the publication of the correspondence. If, however, the Honourable Member desires information on any particular point, I should be glad to supply it, if possible.

#### WAITING ROOM FOR FIRST AND SECOND CLASS PASSENGERS AT TALIPARAMBA ROAD STATION ON THE SOUTH INDIAN RAILWAY.

380. **Mr. K. K. Nambiyar** : (a) Will the Government be pleased to state whether there is any waiting room for first and second class passengers in Taliparamba Road railway station, S. I. R. line Malabar District.

(b) If the reply is in the negative, do the Government propose to advise the railway authorities to put up a waiting room ?

**Mr. C. D. M. Hindley** : The Government have no information, but the question will be brought to the notice of the Agent.

#### DOUBLING OF THE RAILWAY LINE FROM MADRAS TO CHINGLEPUT.

381. **Mr. K. K. Nambiyar** : (a) Will the Government be pleased to state whether there is any proposal to construct a double line Railway connection between Chingleput and Madras by the S. I. Railway ?

(b) If the answer is in the affirmative, will the Government be pleased to state when the work is likely to be taken up and when completed ?

**Mr. C. D. M. Hindley** : (a) Yes, but as a first stage it is proposed to double the line from Madras as far as Tambaram only.

(b) It is not possible to state definitely when the work will be started, as the South Indian Railway Company are now considering the advisability of electrifying the suburban services in conjunction with the doubling of the line. As soon as a decision is arrived at, no avoidable delay will be allowed to occur in carrying out the work.

#### PROPOSED TELLICHERRY-NANJUNGOD RAILWAY.

382. **Mr. K. K. Nambiyar** : Will the Government be pleased to state what progress has been made with regard to the proposed Tellicherry-Nanjungod Railway connection ?

**Mr. C. D. M. Hindley** : The survey of the line is now nearing completion.

#### NEW LEGISLATIVE RULES RELATING TO SUPPLEMENTARY GRANTS.

383. **Seth Govind Das** : Will the Government be pleased to state the objects and reasons that led them to promulgate the legislative rules to sanction the presentation to the Assembly or to any of the Provincial Legislative Councils of an additional or a supplementary estimate in respect of any demand which may have been previously rejected ?

**The Honourable Sir Alexander Muddiman :** The Honourable Member is referred to my reply to Mr. Neogy's question No. 1735, dated the 10th September 1924.

#### DISSOLUTION OF THE CENTRAL PROVINCES LEGISLATIVE COUNCIL.

**384. Seth Govind Das :** Will the Government be pleased to state if the Governor of the Central Provinces has referred to the Government of India the question of dissolving the C. P. Legislative Council ?

(b) If so, have the Government of India come to any decision in the matter and has any communication been issued on the subject ?

(c) If so, will the Government be pleased to lay it on the table ?

**The Honourable Sir Alexander Muddiman :** Under proviso (a) to section 72-B (1) of the Government of India Act a provincial Legislative Council may be dissolved at any time by the Governor. The Government of India are therefore unable to make any statement on the subject.

#### REPORT OF THE INDIAN COLONIES COMMITTEE.

**385. Seth Govind Das :** Will the Government be pleased to state the result of the labours of the Indian Colonies Committee ? Have they submitted any report ? If so, will the Government be pleased to lay it on the table ?

**Mr. J. W. Bhore :** With regard to the first part of the question, the Honourable Member is referred to the statement made by the Secretary of State for the Colonies in the House of Commons in reply to Mr. Mills on the 7th August, which has already appeared in the Press. As regards the second and third parts the Government of India have received no report but anticipate no difficulty in giving effect to the Honourable Member's suggestion when one is received.

#### STATEMENT OF THE SECRETARY OF STATE FOR THE COLONIES REGARDING AFFAIRS IN KENYA.

**386. Seth Govind Das :** (a) Will the Government be pleased to state if their attention has been drawn to the statement of the Secretary of State for the Colonies in Reuter's telegrams published in the *Statesman* of the 9th August regarding affairs in Kenya ?

(b) Will the Government be pleased to state if the said statement has been accepted by them ?

(c) If the reply be in the negative, will the Government be pleased to state as to what steps are proposed to be taken to get the decision modified ?

**Mr. J. W. Bhore :** (a) Yes.

(b) and (c). The Government of India will avail themselves of a suitable opportunity to make further representations.

#### RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

**387. Seth Govind Das :** Will the Government be pleased to state what action has been taken regarding the recommendations of the Indian Bar Committee ?

**The Honourable Sir Alexander Muddiman :** The Honourable Member is referred to the answer given to Khan Bahadur Sarfaraz Hussain Khan's question No. 1267 on the 5th June 1924. The replies of some Local Governments and other authorities consulted are still awaited.

#### RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

**388. Seth Govind Das :** Will the Government be pleased to state what they propose doing regarding the recommendations formulated by the Indian Mercantile Marine Committee ?

**The Honourable Sir Charles Innes :** The recommendations of the Indian Mercantile Marine Committee are still under the consideration of Government, and until a decision has been reached it is not possible to say what action will be taken.

#### SIR SANKARAN NAIR'S BOOK "GANDHI AND ANARCHY."

**389. Seth Govind Das :** Will the Government be pleased to state if Sir Sankaran Nair wrote the book "Gandhi and Anarchy" at the instance of the Government of India ?

#### THE O'DWYER-NAIR LIBEL SUIT.

**390. Seth Govind Das :** (a) Did the Government assist Sir Michael O'Dwyer in prosecuting his libel case against Sir Sankaran Nair ?

(b) Did the Government help Sir Sankaran Nair in defending the case referred to above ?

**The Honourable Sir Alexander Muddiman :** The Honourable Member's attention is invited to the statement made in reply to Mr. Gaya Prasad Singh's starred question No. 1675 on the same subject.

#### CONSUMPTION OF SALT IN THE VARIOUS PROVINCES.

**391. Seth Govind Das :** Will the Government be pleased to lay on the table a statement shewing the consumption of salt in the different provinces since the last budget ? What was the consumption of salt for the same period last year ?

**The Honourable Sir Basil Blackett :** As explained during the last Budget debate, no exact figures are available as to actual consumption of salt. The available statistics relate to issues of duty-paid salt, which are of course quite a different thing from consumption.

#### CONVERSION OF THE TUMSAR ROAD TIRODI TRAMWAY INTO A BROAD GAUGE RAILWAY.

**392. Seth Govind Das :** Will the Government be pleased to state if any proposal regarding the connection of Tumsar station to Katangi on the B. N. Railway, by broad gauge line is under consideration ?

**Mr. O. D. M. Hindley :** No. It is, however, proposed to convert the Tumsar Road Tirodi Tramway into a broad gauge railway, and the work of conversion may be expected to start very soon, as it has been sanctioned by the Secretary of State.



### INCREASE OF SALARIES IN THE IMPERIAL SERVICES.

**393. Seth Govind Das :** (a) Will the Government be pleased to state whether they propose to sanction a further increase in the salaries of the Imperial Services in India ?

(b) If so, what will be the total recurring cost per annum, and how are they going to meet this extra expenditure ?

**The Honourable Sir Basil Blackett :** (a) The Government's attitude has been stated in the recent debate.

(b) It is not possible to reply to this part of the question until final decisions have been reached on the Commission's recommendations.

### ADMISSION OF INDIAN CADETS INTO THE ROYAL MILITARY COLLEGE AT SANDHURST.

**394. Seth Govind Das :** (a) Will the Government be pleased to state how many candidates (since the year 1918) have been taken as cadets in the Royal Military College at Sandhurst ?

(b) Of these how many were from the Central Provinces ?

(c) Did the Central Provinces Government recommend any candidates to the Central Government ?

(d) Will the Government be pleased to state the basis on which selection is made for admission to the Royal Military College at Sandhurst ?

**Mr. E. Burdon :** (a) 61 Indian cadets have been admitted to the Royal Military College, Sandhurst, since the commencement of the spring term of 1919. Before this date, no Indian cadets were admitted to Sandhurst.

(b) None.

(c) Yes. Two candidates were nominated by the Central Provinces Government to attend the Sandhurst entrance examination held in Simla on the 24th September 1923.

(d) I invite the attention of the Honourable Member to the reply given in this Assembly on the 8th March last to part (b) of starred question No. 635.

### EMPLOYMENT OF INDIANS AS DECK OFFICERS AND ENGINEERS IN THE ROYAL INDIAN MARINE.

**395. Seth Govind Das :** (a) Will the Government be pleased to state the number of Indians employed in the Royal Indian Marine as Deck Officers and Engineers ?

(b) Will the Government be pleased to state if they contribute towards the maintenance of Royal Indian Marine ? If so, how much ?

**Mr. E. Burdon :** (a) There are no Indians employed in the Royal Indian Marine as Executive and Engineer Officers.

(b) The entire cost of maintaining the Royal Indian Marine, exclusive of those officers who are employed by Local Governments and Port Trusts, is borne by the Government of India. The cost of the service borne by Central Revenues can be ascertained by a reference to the Finance and Revenue Accounts.

### REDUCTION OF INTERMEDIATE AND THIRD CLASS FARES ON THE GREAT INDIAN PENINSULA AND EAST INDIAN RAILWAYS.

396. **Seth Govind Das** : Will the Government be pleased to state if third class and intermediate class fares are going to be reduced on the G. I. P. and E. I. Rys. ?

**Mr. C. D. M. Hindley** : So far as Government are aware the railways named do not propose to reduce intermediate and third class fares at present.

### LIQUIDATION OF THE ALLIANCE BANK OF SIMLA.

397. **Seth Govind Das** : (a) Has the attention of the Government been drawn to the Report of the Investigation Committee on the affairs of the Alliance Bank ?

(b) Does the Government propose to take action on the recommendations formulated therein ?

**The Honourable Sir Alexander Muddiman** : (a) and (b). I invite the Honourable Member's attention to the replies given by me to Mr. Bhubanananda Das's starred questions Nos. 1868 and 1869 on the 15th September 1924.

### RECOMMENDATIONS OF THE UNIVERSITIES CONFERENCE HELD AT SIMLA.

398. **Seth Govind Das** : Will the Government be pleased to state :

(a) If they propose taking action on the recommendations of the Universities Conference held at Simla ?

(b) If so, will the Government be pleased to specify the details thereof ?

**Mr. J. W. Bhore** : (a) Yes.

(b) The Indian Universities Conference passed 49 resolutions in all. Some resolutions require action by the Government of India ; most of the others by the Universities. The remaining resolutions do not call for immediate action or are for consideration by the Secretary of State, the Local Governments or other authorities. Such resolutions as permit of immediate action by the Government of India have all been referred to the authorities primarily concerned for consideration, and their decisions are awaited. Those for action by the Universities or the Local Governments will be communicated to the latter during this month as soon as printed copies of the proceedings of the Conference are available. Copies of printed proceedings, including resolutions, will be placed in the Members' Library, at an early date.

### RESOLUTION RE SEPARATION OF RAILWAY FINANCE FROM GENERAL FINANCE—*contd.*

**Mr. President** : The Assembly will now resume the debate on the Resolution\* moved† by the Honourable Sir Charles Innes on the 3rd March 1924 :

\* " This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable the railways to carry out a continuous

† Vide page 1139 of these Debates.

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railway policy based on the necessity of making a definite return over a period of years to the State on the capital expended on railways :

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on railway earnings.
- (2) The contribution shall be a sum equal to five-sixths of 1 per cent. on the capital at charge of the railways (excluding capital contributed by Companies and Indian States and capital expenditure on strategic railways) at the end of the penultimate financial year plus one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that if any year railway revenues are insufficient to provide the percentage of five-sixths of 1 per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

From the contribution so fixed will be deducted the loss in working, and the interest on capital expenditure on strategic lines.

- (3) Any surplus profits that exist after payment of these charges shall be available for the railway administration to be utilised in :

(a) forming reserves for :

(i) equalising dividends, that is to say, for securing the payment of the percentage contribution to the general revenues in lean years,

(ii) depreciation,

(iii) writing down and writing off capital :

(b) the improvement of services rendered to the public,

(c) the reduction of rates.

- (4) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.

- (5) In accordance with present practice the figures of gross receipts and expenditure of railways will be included in the Budget Statement. The proposed expenditure will, as at present, be placed before the Legislative Assembly in the form of a demand for grants and on a separate day or days among the days allotted for the discussion of the demands for grants the Member in charge of Railways will make a general statement on railway accounts and working. Any reductions in the demand for grants for railways resulting from the vote of the Legislative Assembly will not enure to general revenues, i.e., will not have the effect of increasing the fixed contribution for the year.

- (6) The Railway Department will place the estimates of railway expenditure before the Central Advisory Council on some date prior to the date for the discussion of the demand for grants for railways."

The House will observe that that Resolution stands in the name of the Honourable Sir Charles Innes, the Commerce Member, and that he also has an amended Resolution on the paper. I have to inform him and the House that someone else will have to move the Resolution standing as an amendment in his name on the paper.

**The Honourable Sir Henry Moncrieff Smith** (Secretary, Legislative Department) : Sir, I beg to move the amendment :

"That for the original Resolutions the following be substituted, namely :

'This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable railways to carry out a continuous railway policy

based on the necessity of making a definite return to general revenues, on the money expended by the State on railways :

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways.
- (2) The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent. on the capital at charge of commercial lines (excluding capital contributed by companies and Indian States) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that, if in any year railway revenues are insufficient to provide the percentage of one per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

The interest on the capital at charge of, and the loss in working, strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues each year.

- (3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve ; provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues.
- (4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues : to provide, if necessary, for arrears of depreciation and for writing down and writing off capital : and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced.
- (5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.
- (6) A Standing Finance Committee for Railways shall be constituted consisting of two nominated official members of the Legislative Assembly one of whom should be Chairman, and ten members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than two further nominated official members, five non-official members selected from a panel of eight elected by the Council of State from their body and five non-official members selected from a panel of eight elected by the Legislative Assembly from their body.

The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways.

- (7) The railway budget shall be presented to the Legislative Assembly if possible in advance of the general budget in order that more time may be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working. The expenditure proposed in the railway budget, including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget, if possible.

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(8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years."

**The Honourable Sir Charles Innes** (Commerce Member) : Sir, the House will remember that when I placed this subject before them in March last they decided to refer it for examination by a committee. That committee submitted a preliminary report a few days later. The report was to the effect that while they were in favour of the principle of separation they had not been able within the time allowed to satisfy themselves fully as to the effect of the proposals on the control of the Assembly over Railway finance and policy and as to the amount and form of the contribution to be paid by Railways to general revenues. Consequently, they asked that a discussion of the subject might be postponed till this Session. Since then, Sir, we have laboured much both in sub-committee and in the main committee and our final report has, I think, been in the hands of Honourable Members for the last few days. I regret very much that it was not a unanimous report in all respects, and I regret it the more because it is likely to make my task to-day somewhat harder. But, Sir, this matter is a matter of vital importance to Railways. The Resolution represents the considered policy of the Government of India, and it is clear that we can accept a decision in this matter only from the Assembly itself. You will all agree, I think, that it is only right that Government should submit to this Assembly a reasoned statement of the reasons why they think that the House ought to adopt that policy. The House will know from the amended Resolution just moved by Sir Henry Moncrieff Smith that we have made some changes in the form of the original Resolution. There are one or two changes of substance notably as regards the amount of the contribution and also in regard to the constitution of the Central Advisory Council, but we have redrafted the Resolution generally in order that we might clear away certain misconceptions to which our original Resolution undoubtedly gave rise and in order that we may bring out the intentions of Government more clearly. Now, Sir, I am quite sure that I shall have the sympathy of the House in the task which lies before me to-day. I have done my best to lighten my labours by circulating a large amount of literature on this subject, and may I say this ? Whatever view the House may take of the merits of my Resolution, I am quite sure that they will agree with me that we are all under an obligation to Mr. Parsons, the Financial Commissioner, for these memoranda which he has circulated. But, Sir, in spite of all this literature it must be admitted that this question of the separation of railway finance from general finance is a very technical and a very difficult one and I have no doubt that many Honourable Members in this House are not very clear in their minds what we want to do or why we want to do it. I will therefore endeavour to explain my proposals in the simplest possible language, but I hope that the House will accept the speech I am going to make to-day as a supplement to the memoranda which we have circulated to the House and which explain our proposals in greater detail. And may I begin, Sir, by saying just a word or two about Indian Railways ? As everybody knows in this House, most of our Railways are mainly owned by the State. They are managed, some by the State and some by companies, and in the aggregate they constitute the most gigantic commercial undertaking in India. Let me give the House a few statistics. Taking our commercial lines alone, the capital charge at the end of March last amounted to 541 crores. In the current year we are budgeting for gross receipts exceeding 97 crores of rupees and for working expenses exceeding 66 crores of

rupees. Last year we carried in our railways nearly 600 million passengers and more than 90 million tons of goods. I give those figures in order that I may bring home to the House what enormous part our Railways play in the life and in the commerce and industry of India, and that I may also bring home to the House how supremely important it is that our system of financing this enormous undertaking should be suited to its needs. May I also just make a passing reference to the nature of our railway property? As everybody knows, it consists of thousands and thousands of miles of railway lines, innumerable stations, huge bridges, big goods yards and an immense quantity of rolling stock. The point I want to bring out is that in railway work we must look ahead. We must take long views. If we do not, then we merely lay up for ourselves trouble and additional expense in the future. Let me give an instance. Everybody has heard of bottleneck stations. I am afraid there are stations of that kind in India, though I hope that we are reducing their number. What does the expression mean? It means a station where the traffic has outgrown the capacity, where railway traffic cannot be handled adequately or expeditiously or with real efficiency, and a station of that kind not merely causes loss and delay to traders in the vicinity, but it reacts, and this is the point I want to bring home, on the efficiency of the whole of the line. Now, Sir, a remodelling scheme for a station takes many years to put through. In fact I think I am correct in saying that I had a project put up to me the other day for remodelling one of our stations which it was estimated would take 13 years to complete and I hope the House will realise that when we embark on a project of that kind we must see our finance ahead of us throughout the years through which it will be necessary to carry out the project. If we do not, if we merely have to depend on such money as can be spared to us year by year, then the result is inevitable. Haphazard finance and stations which have outgrown their capacity, one of those bottle-neck stations which hamper the efficiency of our railways throughout India. No remedy is possible—this is the view we take—for a state of things like this as long as your railway finance is dependent upon your general finance. I think I may claim that that was the main burden of the financial recommendations of the Acworth Committee's Report. Let me give just one almost staccato phrase or rather paragraph taken from that report. They say :

We do not believe that it is possible to fit railway management into the rigid framework of the existing financial system of the Government of India. We do not think that Indian railways can be modernised, improved and enlarged so as to give to India the service of which it is in crying need at the moment, nor that railways can yield to the Indian public the financial return which they are entitled to expect from so valuable a property, until the whole financial methods are radically reformed. The essence of reform is contained in two things ; first, the complete separation of the railway budget from the general budget of the country and its reconstruction, which will free a great commercial business from the trammels of a system which assumes that the concern goes out of business on each 31st of March and recommences *de novo* on the 1st of April. And secondly, the money spent in railway management should be free from the control of the Finance Department.

May I say, Sir, that throughout its Report the Acworth Committee spoke of the Finance Department not with any idea of criticising that Department but as a convenient way of expressing its disapproval of a faulty system. As I have said, Sir, the passage I have quoted represents the main burden of the Acworth Committee's Report on the financial side. They attached so much importance to it that even that half of the Committee which recommended the adoption of a policy of State management considered that the adoption of this policy of

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separation should be a condition precedent to the adoption of the policy of State management. Let me read the passage :

“ Our recommendation as to State management must therefore be read as coupled with and conditional on the adoption at least substantially and in main outline of the recommendations which we have made with respect to the financial and administrative reforms.”

Since the Acworth Committee's Report was received I am glad to say that we have made one important advance, and we have made that advance with the co-operation of this House. This House has been good enough to secure to us the funds for the capital portion of our rehabilitation programme. But, Sir, experience has shown that it is not enough, as the Acworth Committee say, and it is a commonplace in every commercial undertaking capital expenditure and revenue expenditure are constantly intermixed. The defect in the present system is that, though we have secured to us the capital portion of our rehabilitation programme, we have no similar security in regard to the revenue portion of it. That is to say we are not yet in that position which the Acworth Committee predicated as necessary for the proper running of the Railways. They said that it was absolutely necessary to treat Railways :

“ as a continuously going concern with a carefully thought out programme both of revenue and of capital expenditure for years ahead with provisional financial arrangements to correspond.”

As I have said, the existing system fails because we have not got that security in regard to the revenue portion of the programme. That is our first and our main objection to the present system of railway finance. Let me develop further objections. A convenient term for the revenue portion of our rehabilitation programme is “ programme revenue expenditure ”. That is the term we use. That expenditure is not voted till March, and it is voted in March for the year beginning on the 1st April next. This delay in giving us our financial grants is one reason why we usually find difficulty in spending fully the grants for programme revenue expenditure which we get. Now, what happens ? The unexpended balances of these grants go into our surplus. They represent money which is ear-marked for the purpose of keeping our railway property in proper order. Nevertheless, they go into the surplus. They are merged in general revenues ; no part comes back to the railways. Indeed under the present system it is quite impossible to make provision for arrears of renewals or arrears of depreciation. We had a committee on the question of depreciation which examined the whole subject about a year and a half ago. That Committee found that the arrears of our renewals which had accrued during the war when our surpluses were taken by general revenues for their own purposes amounted to no less than 18½ crores of rupees, and that figure was accepted by the Retrenchment Committee. In these proposals which I am now putting before you we make no claim on general revenues for that money, but I think that the House will see that a system which allows arrears to pile up in that way without making any provision for them must be a faulty system. The system again fails psychologically. We who are responsible for the running of railways are not given any inducement to economise. If by taking thought we effect economies, the benefit of those economies goes entirely to general revenues ; nothing comes to us. Again, under the present system there are no railway reserves. Imagine a great commercial concern without reserves ! It

is particularly embarrassing to Railways, for, as every one knows, the prosperity of the Railways depends upon the state of the season and the state of trade. Again, the present system is inconvenient to the Finance Department. It leads to violent fluctuations in the returns from Railways, and those fluctuations are necessarily most embarrassing to any one who has to make the budget.

Now, Sir, perhaps I may summarise very briefly the objects which we have in view in submitting this reform for adoption by this House. In the first place, as far as State railways are concerned, we want to abolish altogether this system of programme revenue voted for a year. We want to establish a proper depreciation fund, a depreciation fund arranged in a scientific and intelligible manner. Secondly, we want to build up railway reserves. We want to build them up in order that our finances may be more elastic, in order that we may have provision to equalise dividends. And generally, we want to introduce a system of finance which, while maintaining unimpaired the control of this House and while ensuring to general revenues a fair return from their railway property, will be more suited to the needs of a vast commercial undertaking. Finally, and most important of all, we want to establish a principle. It is right and proper that the tax-payer, the State, should get a fair and stable return from the money it has spent on its Railways ; but if you go further, if you take from the Railways more than that fair return, then you are indulging in a concealed way in one of the most vicious forms of taxation, namely, a tax on transportation. One of the objects we have most at heart in putting these proposals before this House is to establish that principle.

These then are the reasons why we are asking the House to accept this reform which was insistently pressed by the Asworth Committee, namely, the reform of separating your railway from your general finance. We considered the possibility of legislating in the matter, but we decided that it would be preferable to proceed in the manner suggested in the Resolution ; that is, we decided that it would be preferable to ask this House to agree to a convention. There are some advantages in a convention which can be adjusted from time to time to varying needs and difficulties. It can even be adjusted to the ordered progress of the constitution. It was always our intention, whatever the arrangements we might come to with the House, that those arrangements should be subject to periodical revision ; and the House will see that on the recommendation of the Committee we have definitely provided for this in the last clause of the amended Resolution. The operative part of the Resolution, at any rate in the aspect from which I am dealing with the question at present, is contained in the first five paragraphs.

I will now take up the question of the form and amount of the contribution. As regards the form, I do not think that I need say very much since the Committee was unanimous on that point. We propose that the contribution should be based on the capital at charge on commercial lines and that in addition general revenues should get a share of the surplus profits. That means that whatever new capital we put into this concern, you will always get from railway revenues not only the ordinary interest charges on that capital but one per cent. in addition. I think the House will agree that that is an onerous obligation on Railways, for when we put new capital into new lines, it is years before we get a return from it ; but let me pass on to the amount



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of the contribution. Our original proposal was that the contribution should be based on five-sixths of one per cent. on the capital at charge on commercial lines *plus* one-fifth of the surplus profits. We have had considerable argument about this point in the Committee, and as the House will see from the amended Resolution moved by Sir Henry Moncrieff Smith, we have decided to accept the Committee's proposal, namely, that the amount of the contribution should be raised to one per cent. on the capital at charge *plus* one-fifth of the surplus profits and, in addition, we have also agreed to the condition in clause (3) of the Resolution that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees, only two-thirds of the excess over the three crores should be transferred to the railway reserve, the remaining one-third accruing to general revenues. Before I go further into the question of the amount, I should just like to make one point clear. Our proposal is that the contribution should be based on the actuals of the penultimate year; the reason for that is that the Finance Department may be in no doubt whatever as to the exact amount they are going to get, but in respect of the current year, if our proposals are accepted, we propose to vary that condition. We propose to base the contribution in the current year on the actuals of last year, and the reason for that is that it would not be fair to my Honourable friend on my right to base the contribution on the actuals of 1922-23. That happened to be a bad year and it was also a year in which we had not yet succeeded in getting the full benefit of the Incheape cuts. As a preliminary, a provisional arrangement, in the first year we propose to base the contributions on the actuals of last year. Now if the proposals in the amended Resolution are accepted, it means that in the current year we shall pay to general revenues a gross contribution of nearly 639 lakhs of rupees. But from that you have got to deduct the loss on the working of strategic lines and the interest on the capital on strategic lines, and so the net contribution in the current year will be Rs. 5,19,19,000; that is to say, the effect of our accepting the proposal of the Committee is that we shall pay Rs. 73 lakhs more than we contemplated when we made our original suggestion. A contribution of five-sixths of one per cent. of the capital at charge *plus* one-fifth of the surplus profits would have yielded us in the current year 446 lakhs. We are now raising that contribution to 519 lakhs. Now the first point of course that the House will want to be satisfied on is this—they will want to know whether the contribution of that amount is enough. The first point I have to make in regard to this is, I should like the House to realize, that any figure we may take for the contribution must be more or less an arbitrary figure, and the main point I think which the House ought to bear in mind is this, that the more you take from the Railways, the longer you postpone the day when we can reduce rates and fares, and the longer you maintain rates and fares at a high level. I should also like to make it perfectly clear, with reference to an amendment of which I see notice has been given, that in addition to this gross contribution of 639 lakhs we expect to pay in the current year interest charges amounting to nearly 24 crores, that is to say, in all we shall pay in the current year something like Rs. 304 crores, those 304 crores being made up partly of our interest charges and partly of the dividend which we pay to the general tax-

payer. Again, if the House will turn to the statement on page 9 of the memorandum circulated by Mr. Parsons, they will find that in the current year our earnings; according to our budget estimates will be 5.43 per cent. of the capital at charge. I have brought that point out because I think that answers the criticisms of those who think that the introduction of this reform should be postponed until the railways come to a more normal working. I am sure the House will realize and will agree that when we get a return of  $5\frac{1}{2}$  per cent. on our property we reach the standard of revenue which we should reasonably expect from it.

The next point I wish to bring out is that the House has got to remember that we have to pay this one per cent. on all our capital at charge on commercial lines. I have just referred to the fact that it takes some years before we get a return upon new capital, especially, new capital sunk in new lines. Further, we undertake to pay the dividend year by year and we take the risk of the season. When the season is good and trade is good, our earnings go up; when the season is bad and trade is bad, our earnings go down. But whatever the state of the season, whatever the state of trade, we undertake to pay this dividend year by year. We have to take that consideration into account in deciding whether the dividend is sufficient or not. It seems to me therefore that the real question is, not whether general revenues are getting enough but whether they are not taking from the Railways too much. And I should like to explain the reasons why we have agreed to this enhanced contribution. There is only one reason, and that is this. We expect this year to be a good year, and I hope the House will follow me carefully here for I do not want them to accuse me in March next of having tried to mislead them into accepting these proposals by concealing our hopes in regard to the current year. We have only got four months' actuals to go upon, and it is too early to prophesy with absolute confidence, but so far, we have undoubtedly done well, and Mr. Parsons hopes that at the end of this year we may be a net two crores better than our Budget estimates. Of course we may do better, still, but it would be unsafe to count on that. But if Mr. Parsons hopes are realized, it means that we shall not only be able to pay to general revenues this net contribution of 519 lakhs but we also hope to put into the railway reserve something like Rs.  $2\frac{1}{2}$  crores. And it is only because we hope to begin next year, with this  $2\frac{1}{2}$  crores of rupees, in our reserve, that we can agree to this contribution. I should like to emphasise again the point I made before that the main point that the House should look to in deciding this question is not whether or not this contribution is enough or too much, but that if you take too big a contribution you only succeed in maintaining rates and fares at too high a level.

I should just like to refer very briefly now to two points. One is the depreciation fund. We want altogether to abolish this system of Programme Revenue in so far as the State lines are concerned. We want to replace it by a properly arranged depreciation fund. At the suggestion of the Central Advisory Council about 18 months ago, we appointed a Committee to inquire into the whole of this question. We were not able to accept all their recommendations, but that Committee did furnish us with very valuable information regarding the life of our different classes of wasting assets. As a result of their report, we hope to be able to establish this fund and we hope to be

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able to pay into this fund a yearly contribution based, as I have said, upon intelligible and scientific calculations; and as a result of that, we hope that we shall have in the Fund eventually enough to replace the cost of each class of wasting asset when that asset is worn out; and if we can do that, then we shall be able to carry out another important reform suggested to us by the Inchcape Committee, namely, the reallocation between Capital and Revenue so as to relieve, temporarily at any rate, the charge upon Revenue. We cannot do that at present with Company Railways, because it would not be in our interest to relieve Revenue Charges of Company Railways too much. But I should like to emphasise the point that if we establish this Fund, everything that goes into the Fund and everything that comes out of the Fund will be subject to the vote of this Assembly, and I may say the same will be the case with the railway reserves. It will require a vote of the Assembly to pass money into the reserve and also requires a vote of the Assembly to pass money out of the reserve. The value of these reserves to us will be not only that they will serve as equalisation of dividend fund, but that they will also enable us to make up for arrears of depreciation, and finally—and this is one of the most important benefits we hope to get from this fund—it will enable us to adopt a bolder Railway policy. It will enable us to take our courage in both hands and to reduce rates and fares.

Now, Sir, I pass on to a question which I know is exercising the minds of some Honourable Members very much, namely, the question whether these proposals of ours will effect the control which the Assembly now exercises over our finances, and of course through its control over our finances, the Assembly influences our policy. Mr. Parsons has circulated a very long memorandum upon that subject, and I hope that that memorandum has satisfied everybody in this House that the effect of these proposals will not be to impair the control of the Assembly over the Railway budget. Of course if the Assembly accepts these proposals, they will not have so much inducement to make big cuts in our budget, for the effect of these cuts will not be to benefit general revenues. They will merely go into the railway reserves. That I admit, but at the same time, the House will realise that those cuts will be very embarrassing, just as embarrassing as they are now, to the Government of India. Supposing for example, although I hope it will not happen, that the Assembly decides to cut down the provision for the Railway Board establishment. Well, if they do that, that money will go into the railway reserve, but we shall not be able to pay those establishments, unless the Governor General in Council decides to restore that grant, that is to say, we shall be placed in precisely the same awkward predicament that we are placed in now.

Then, again, Sir, it has been suggested to me that it would be dangerous for the Assembly to agree to these proposals, because if they did, they would be admitting the principle that the Railways are a commercial department, and that, when in the future they press upon us any particular question in which they are very interested, such as indemnisation, or something of the kind, they will be always open to the remark, "You declared the Railway Department to be a commercial department, you have laid upon us the obligation to pay a heavy contribution every year and we cannot do what you want consistently with efficiency and economy." I have tried my very best to state

as fairly as I can the argument as it was stated to me. On it the first point I would like to mention is that you will not be any the worse off than you are now in that particular matter. Secondly, I would like to bring out the following facts. The Railway Board have been working at the separation for the last 15 months. All our activities in the Railway Board have been orientated with reference to this day, the day when we hope to get separation. Now, Sir, in spite of that fact we have not raised any objection to various measures which I know this House took great interest in. We did not ask for a lower contribution on account of the Act which removed the exemption of Government Stores from import duty. We did not ask for any lower contribution on account of the Steel Protection Act, in spite of the fact that these two Acts will increase our Revenue charges in the Railway Department by 40 lakhs per annum. May I remark parenthetically that if this separation proposal goes through, those 40 lakhs per annum are a real gain to the tax-payer; if the separation proposal does not go through, there will be no gain to the tax-payer at all. It will merely be transferring from one pocket to another. Let me point out certain considerations on the other side. In the first place, we are perfectly convinced, on these benches at any rate, that these proposals point out the true direction in which this Assembly can enforce economy and efficiency in our Railway maintenance. Secondly, I hold that the proposals will have the effect of increasing, rather than impairing, the control of this Assembly. If the proposal were accepted, we shall no longer be debarred from putting up the Railway budget in advance of the Honourable Finance Member's speech. We hope that we may be able to put up the Railway budget, say in February and to allow longer time for the discussion than is possible at present. We may be able to go even further and put the Railway budget up to this House in September, but that involves an amendment of the Government of India Act, and it is a matter for the future. Again, we have undertaken to examine the form of our budget, examine the number of votes into which it is divided and to see whether we can improve generally the way in which we put our budget before you, in order that you may exercise your control better. Again, we have agreed to the reconstitution of the Central Advisory Council on a very popular basis. We have agreed to the institution of a Standing Railway Finance Committee, and I think that what I have said in that respect will show that we do not fear your control; indeed we welcome it. I do hope the House will realise that nothing is further from our thoughts in putting these proposals before the House than that we should impair in any way the control of this House. That was never our intention. Our intention was merely to put up to the House an administrative and financial form to which we attach the greatest importance. We are convinced that unless this House adopts that reform, we shall never be able to manage our Railways as efficiently and economically as they should be managed.

Now, Sir, I have laid all my cards on the table both here and in these Committees. I claim that we have concealed absolutely nothing from the Members of this House. There is no catch of any sort or kind in these proposals. We have been working at them for the last 15 months, because we are satisfied that these proposals will lead to what is best for Indian Railways, and that means for Indian trade, Indian Commerce

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and the Indian tax-payer. May I wind up by an appeal to this House. May I express the hope that this House will take these proposals in the spirit in which we offer them, that they will consider them purely on their merits and that they will co-operate with us. We may be bureaucrats, but the House must realise that we are just as keen on the interests of India as anybody in this House. And we have put up these proposals because we are satisfied that they are in the real interests of India.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars : Landholders) : I want to put just one question, Sir. I did not like to disturb the Honourable Member when he was delivering his speech. May I know, Sir, at what rate the interest is being calculated and also what is being done about annuities ?

**The Honourable Sir Basil Blackett** (Finance Member) : I can answer this question, Sir. The interest is being charged at the actual rate which it costs the Government of India. The interest portion of the annuities is also being charged in the same way. The capital portion of the interest, as was explained in connection with the Budget this year, is treated as part of the general provision for the redemption of debt.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, the Honourable the Commerce Member said that if the convention that is sought to be established by this Resolution comes into force, they will be able to give profits to the tax-payer. May I know, Sir, by what process of law or of constitutional procedure these Conventions are going to be given effect to if this Resolution is passed by this House.

**The Honourable Sir Charles Innes** : There is no process of law at all. They will be given effect to by an agreement between the Government and the House.

**Mr. A. Rangaswami Iyengar** : May I know, Sir, whether the powers which would be exercised in respect of this arrangement are going to be exercised by the Government of India, or by the Secretary of State, or by the Assembly or by all ?

**The Honourable Sir Charles Innes** : I do not think, Sir, that the position, if this Resolution is accepted, will be any different from what it is now. We shall put before this House the Budget every year, even if our proposals are carried out, as we do at present. It would be open to the Assembly to scrutinise that Budget in its usual careful manner and to make any cuts that it may like to make. But we will ask the Assembly to agree that, if it does make any cuts, those cuts will not go to the general revenues but will merely go to the Railway revenues. In other words, we ask the Assembly to fix an annual contribution in the manner which I have tried to explain.

**Mr. K. G. Lohokare** (Bombay Central Division : Non-Muhammadan Rural) : May I know, Sir, what is the reply to the question put by Sardar V. N. Mutalik in regard to annuities ?

**The Honourable Sir Basil Blackett** : I have already answered the question regarding annuities. In so far as the interest is concerned, it will be charged to the Railways in the Railway Budget and the charge

will be exactly equivalent to the amount of interest calculated in the annuities. In so far as the capital is concerned, as was explained in connection with the Budget this year, the charge for the capital has been transferred from the Railway Budget to the General Budget as a provision for redemption or avoidance of debt.

**Mr. A. Rangaswami Iyengar :** I desire to know whether, as a result of the passing of this Resolution, the Secretary of State will have to devolve powers to the Government of India or make use of his own powers for the control of expenditure under Railways ?

**Mr. A. A. L. Parsons** (Financial Commissioner, Railways) : No.

**Mr. President :** The House will observe that there are two different lists of amendments. Those amendments which relate to the original Resolution as moved by the Honourable the Commerce Member now fall to the ground. So the amendment which the House will discuss is actually the amendment moved by the Secretary in the Legislative Department. I propose to set aside the amendments which are not now pertinent and take those which, I presume, represent the desires of the Honourable Members to-day. That being so, it seems to me that, in the interests of an orderly debate, the amendment of which Sir Purshotamdas Thakurdas has given notice, namely, that the proposals of the amended Resolution only be given effect to provided the Government agree to the two propositions which he lays down in the paper, represents the most crucial alternative to the proposals of the amended Resolution itself. Therefore, I propose to call upon Sir Purshotamdas Thakurdas to move his amendment before any other, with this possible exception that, if the Honourable Member from Bihar and Orissa desires to move that the consideration of the amended Resolution be adjourned *sine die*, then I shall have to call upon him. I have been given to understand that Mr. Neogy does not propose to move his dilatory motion. But, if Khan Bahadur Sarfaraz Hussain Khan wishes to move his amendment, I shall have to call upon him before Sir Purshotamdas Thakurdas.

**Khan Bahadur Sarfaraz Hussain Khan** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : I wish to say only one word, Sir. There will be no necessity for me to move my amendment if the amendment of Sir Purshotamdas Thakurdas is accepted by the Government.

**Mr. President :** Then may I take it that the Honourable Member does not wish to move his amendment ?

**Khan Bahadur Sarfaraz Hussain Khan :** I do not wish to move my amendment if the amendment of Sir Purshotamdas Thakurdas is accepted by the Government.

**Mr. President :** We cannot make a conditional proposal. The Honourable Member has the prior right to move his amendment for the postponement of consideration. If he gives up that right, then I will ask Sir Purshotamdas Thakurdas to move his amendment.

(Khan Bahadur Sarfaraz Hussain Khan did not reply.)

**Mr. President :** Sir Purshotamdas Thakurdas.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to move the following amendment to the amended Resolution now before the House :

Add the following as an additional clause to the amended Resolution :

Clause 2. The above proposals be given effect to provided the Government agree to the following :

[Sir Purshotamdas Thakurdas.]

- (a) That no Railway Line now under State management and no Railway Line now managed by a Company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly ;
- (b) That the railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible '."

Before I begin my remarks on this amendment, I think the whole House will agree with me if I say that the Honourable the Commerce Member has treated the House to one of those clear and fluent speeches which he is generally accustomed to deliver in this House, whenever he moves an important subject—speeches which show the great grasp and his usual broad view that the Honourable Member takes in handling questions of such importance as this. I wish, Sir, also to make it clear that I move this amendment on behalf of the Nationalist Party in the Assembly. The Honourable the Commerce Member observed in the preliminary observations that the matter that he has now put before the House is one of vital importance to the Railways of India. He further gave figures to the House showing what a great machine the Railways of India were to handle and what an important asset it is to the tax-payer of India. These, Sir, are exactly the grounds why I wish to put before the House certain subjects which have been fully discussed both in the sub-committee and in the committee appointed by the House and which should be brought to the notice of this House in a prominent manner in the form of an amendment. I need hardly say that this House, as representing the tax-payers of India who have put in crores and crores of rupees either directly or indirectly for the Railways of India, is very jealous that the people and the tax-payer should now begin to get the fullest advantage out of their investment. And it is with this aim that this House may wish to assert its right in regard to having a substantial say in connection with any change in the Railway policy that may be followed by the Government of India.

The Honourable Commerce Member referred to the number of statements put up by Mr. Parsons before the Committee and which are now circulated to the Assembly,

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and generally speaking to the great ability with which Mr. Parsons served all the requirements of the members of the Committee. I wish to join in that expression of appreciation as a non-official Member connected with this question both in the sub-committee and committee stages. I do not think the Honourable Commerce Member will misunderstand me if I say that working on the sub-committee and committee on these occasions, a non-official member like me was greatly impressed by the great zeal and energy and readiness with which Government officials from the Chief Commissioner of Railways downwards worked in order to prepare this subject for the Assembly at this stage. I do not think I will be misunderstood when I say that many non-official members would like the same zeal to be shown by Government officials in other similarly important subjects which may be hanging fire before the Assembly. But I would like, Sir, just to strike a discordant note here and point out to the Honourable Commerce Member one particular subject in which I am afraid the members of the sub-committee and committee did not get the information that they sought. There is no doubt that this subject of separation of the two budgets is an important subject. Indeed the Government of

India themselves have taken the best part of three years to make up their minds about it. The subject was before the Assembly in December 1921 when they had a special meeting of their committee in Calcutta and the matter was put off for further consideration and fuller examination. The subject therefore must have needed considerable correspondence and exchange of despatches between the Secretary of State and the Government of India as regards, firstly, whether the Secretary of State was prepared to give this additional power to the Government of India or to this Assembly, and, secondly, as to the details of the powers which he is prepared to give up on agreeing to the separation of budgets. I understood at the sub-committee meeting that the Government of India were not prepared to take the committee into their confidence as far as these despatches were concerned.

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : What is the additional power ?

**Sir Purshotamdas Thakurdas** : The power of devolution from the Secretary of State to the Government of India, about which you heard a question just before I commenced my remarks.

I do not know whether in such an important subject like this, when the Government of India claim that they put all their cards on the table, there was anything in the constitution which prevented them from taking the members of the committee into their confidence by letting them see copies of the despatches between the Government of India and the Secretary of State. I dare say there may be nothing by which we may benefit by a perusal of these despatches ; but at the same time I mention this particularly because the Honourable Commerce Member claimed it as his usual practice that he had put his cards on the table. The fact of his inability to put the despatches between the Government of India and the Secretary of State at the disposal of this House has undoubtedly led to some sort of justifiable suspicion by the members of the committee as to why these despatches were being withheld.

Sir, there are five minutes of dissent in the Committee's Report. I propose to deal with the last minute, the one which particularly refers to the three conditions mentioned in para. 6 of the Committee's Report. With your permission, Sir, I hope the House will allow me to deal first with condition No. 2 mentioned in para. 6 of the Committee's Report, that no railways should be handed over to a private company without the prior approval of the Legislative Assembly. I think this is the one condition named by the dissenting members on the Committee, which really has given rise to certain apprehensions in the mind of the Government of India. I would like, Sir, to put before the House, as fully and as impartially as I can, the reasons why this House should insist that when they agree to the separation of the budgets, and that within certain limits the railway revenue may be handled by officers appointed by the Government of India, it is only right that they should at the same time make sure that whilst devising this very necessary method of putting State management on an unassailable basis none of their property shall be taken out of State management and transferred to Company management without the express approval of this House.

To begin with, Sir, the Honourable Commerce Member himself moved an amendment in the Assembly on the 27th February 1923, when the Assembly decided upon State management of Indian railways without any



[Sir Purshotamdas Thakurdas] : qualification. He pressed and indeed took the House to a division on the following. He said that he thought that

“ efforts should be continued to concert measures with the object of handing over one or other of the two railways (i.e., the East Indian Railway and the Great Indian Peninsula Railway) after such grouping as may be necessary to an indigenous company calculated to give India the benefits of real Company management.”

An amendment to this effect was moved by the Honourable Member himself and was lost in the House. Later on, in the Administration Report of Indian Railways for 1922-23 it is stated that Government propose to continue these efforts to take over these railways eventually on the basis of real Company management. Subsequent to this, as the House knows now, because it has been repeated *ad nauseam*, Diwan Bahadur Ramachandra Rao moved a Resolution saying that whenever there was a contract to be made by the Government for the working of State railways, the contract should be placed on the table of the House before being finally confirmed. That Resolution, although passed without a division, has been rejected by the Government of India. All this may, I think, very reasonably be taken to deepen the apprehensions of many of the Members of this Assembly. The Government may, above the heads of the Assembly and indeed without their knowledge, enter into a contract either themselves, or the Secretary of State may do it, to have either the East Indian Railway or the Great Indian Peninsula Railway, or any of the railways in India, managed by a company. The minority section of the Acworth Committee in their Report submitted two schemes of Company management. The Railway Board circularising various commercial bodies in India and the Provincial Governments in their letter put forward two more schemes of Company management. In spite of all these the Assembly came to a decision in favour of State management. In spite of all this we hear constantly from Government that they are in search of a species of management of certain railways which can be said to be “ real ” Company management. Is it unreasonable for this House, when they agree to an important reform of the nature of separation of the budgets and of the nature indicated, that certain revenues of the Railways shall be handled by the executive officers of the Railway Department without any right to this House unless they broke the convention to touch those monies. I wonder, when such reforms are under consideration, if it is wrong for this House to say to the Government that, whilst they devise a better and sure method for successful handling of State management of railways, Government shall also give an undertaking that they will not use the power which they claim they have of handing over any of the railways of India to Company management at their discretion.

The Honourable Sir Charles Innes : May I correct a statement made by the Honourable Member. The Honourable Member has just stated that the House is asked to agree now that certain revenues of the Government of India shall be managed by certain officials of the railways. I am afraid the Honourable Member has not understood what I have said. I presume he is referring to the depreciation fund and the reserve fund, and I thought I made it perfectly clear that any money which comes into such funds must be voted by this House, and that this House's vote will be required to any money which is expended from either fund. The position will not be different from what it is already.

Sir Purshotamdas Thakurdas : I have no doubt I have understood the position absolutely clearly, indeed my working on the two Committees

would be useless if I had not correctly understood the whole scheme. I really do not remember if I expressed myself clearly, but I will make myself clear. This House to-day refuses, if it passes this proposal, to separate the two budgets, to take anything from the railway budget, even if the use that they may make of that money will be to let it remain in the reserve fund; to that extent the House is making a self-denial. I do not know if the Honourable the Commerce Member will agree with me there; is that all right?

**The Honourable Sir Charles Innes :** No.

**Sir Purshotamdas Thakurdas :** May I ask the Commerce Member then what happens in case there is a separation of the budgets this House makes a cut of 50 lakhs of rupees at budget-time; are you going to hand it over to the Finance Department?

**The Honourable Sir Charles Innes :** As I said, that money will pass into the reserve fund. What the Honourable Member said was that these revenues will be managed by Government officials. What I am trying to point out is that no expenditure can be made from that reserve fund without the vote of this House.

**Sir Purshotamdas Thakurdas :** I thought I said to the Honourable Member, when he objected first, that I wanted to make myself quite clear. Will the Honourable Member say what he thinks about what I said subsequently? I will tackle this point that the Honourable Member has raised. Supposing there is a deficit of a crore and a half of rupees in the budget of the country, and supposing the Executive Government put before this House suggestions for additional taxation which this House do not wish to accept. This House wish to make up for the deficit by cuts here and cuts there. The Railway Department as one of the biggest departments of the Government of India must come in for their share, and supposing they want to make a cut of 50 lakhs of rupees there, they may make the cut, but the amount will not go to the Finance Member. That is the point I had in my mind. I know that the separation of the budgets is mainly intended for this purpose, namely, that we shall take from the Railways only an agreed amount and leave the rest to the Railways, to be used in various directions, as indicated by the Honourable the Commerce Member. The fact however remains that the Assembly do say to-day, as representing the tax-payer, that in order that this commercial machine may be well conducted, steadily conducted from year to year, we will forego this advantage which we got till now. I do not think that can be denied. I therefore feel that, when we are coming to an arrangement like this, it is only fair and reasonable that the House should say to the Executive Government that we wish that, whilst we agree to this administrative reform, so important as it is, you agree in your turn that you will allow us full opportunity of giving the Railways a full trial in State management and will not hand over the Railways without our consent to what is called Company management, even if you could discover a "real" Company management system. That, Sir, is the main ground on which there was substantial difference in this Committee. I feel that whilst I am a very strong advocate of this administrative reform, whilst I should be extremely sorry if the Government of India insisted upon their inability, as they put it, to give this undertaking which I think is the just due of this Assembly as representing the tax-payer of India, if this reform had to be postponed, nobody would be more sorry than

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myself; in fact I am one of those who signed the Acworth Committee's Report, and who also has said, what the Honourable the Commerce Member has read from the majority report of that Committee, that we make this recommendation for State management with the caveat that the finances hereafter would be provided in a more correct manner. But the Acworth Committee only took cognisance of what it was appointed to examine. The main question is, there is this power, and as I have shown by the various incidents I have referred to, beginning with the Honourable the Commerce Member's motion when he moved that amendment in the Assembly two years back, there appears to be something lurking in the background, and it is quite possible when there is something in the nature of what the Executive Government think is real Company management, one of the railways of India may be handed over for such real Company management. If the Government of India have nothing to hide, nothing to conceal from this Assembly, nothing to be afraid of, may I ask why they should distrust this Assembly to such an extent that they will not come to this Assembly and say, "Here we have this substantial scheme, we would like you to consider it?" Do they really think this Assembly is incapable of appreciating the advantages of real Company management and agreeing to it, that they should refuse to agree to this very simple convention, a convention which by the way I feel should not be difficult for them to agree to if they really mean not to go past what has now been suggested.

Sir, there is one further subject that I would like to remind the House of. My Honourable friends from Madras will remember the year 1910, when the South Indian Railway, in spite of the great grievances of the Madras public against the management of that Railway, was handed over, or to be more accurate, the contract regarding which was renewed with that same Company, not only over the heads of the Government of Madras, but over the heads of the Government of India. I remember it very clearly being mentioned to the Acworth Committee by many witnesses in Madras that it was only when a Reuter's telegram came out here, that the Government of Madras wired to the Government of India, only to learn that the Government of India had also learnt of that contract having been renewed by the Secretary of State after all the formalities were put through. I am sure, Sir, we do not want any repetition of this to happen again.

I will come, Sir, now to a question which may be put to me, namely, if the Secretary of State and the Government of India enjoy the powers of entering into these contracts without consulting the Assembly, what are you going to gain by insisting upon it at this stage? I wish, Sir, that the House will bear with me when I try to reply to this question which I am anticipating, because I am sure some Honourable Member or other is bound to put it to me, not by a reply, but by asking another question. Let us consider what we are likely to lose in case Government absolutely refuse to agree to this administrative reform on the ground that they do not see their way to give the undertaking we require. The Honourable the Commerce Member has sufficiently emphasised here the grave manner in which the Acworth Committee pressed that the financial India have been trying to make up for their past lapses. Rs. 150

crores have been sanctioned by this Assembly for capital funds, the immediate rehabilitation and betterment of existing lines. That 150 crores, I understand, is to be spent within five years beginning with 1922, if I mistake not. I do not think I am incorrect in saying that the Railway Department are not able to spend at the rate of 30 crores a year and there is no question of their needing more than that 150 crores until the year 1926-1927. So much for the immediate rehabilitation and betterment of existing lines. The next question that remains is repairs and renewals from the revenues. Now, Sir, there also I expect that with the experience which the public of India and this Assembly has had till now of what happened, owing to the lapse during the war period by the then Government of India and the then Finance Member, it is hardly likely that there is going to be a repetition of the same neglect over again. I still maintain and I repeat that I would like this administrative reform to come into force immediately but I feel that whilst this administrative reform is agreed to by this Assembly and while this Assembly agrees to forego what I have just indicated in the course of a few questions and answers with my friend opposite, it is only due to this Assembly that the Executive Government should give the assurance which is indicated in condition 2 of clause 6 of the report. I wish, Sir, just to point out that the Honourable the Commerce Member himself admitted that the separation of budgets is to apply only to State-managed railways and not to Company-managed railways. As far as the Company-managed railways are concerned, their budgets and their relations to the Government of India are to continue as they have continued heretofore. I remember a few figures which were asked for and which were given as approximate figures. Of the total gross revenue of 96 crores of rupees from the Railways of India, about 24 crores was given as the gross revenue from State lines at present managed by the State. When the East Indian Railway and the Great Indian Peninsula Railway are transferred to State management by next June, this figure of 24 crores is likely to go up to anything between 60 and 70 crores, out of a gross revenue of 96 crores for all India. I really wonder, when we have so many other Company-managed lines at present which we cannot touch, and the last line will not fall due till 1950, whether this Assembly can be said to be greedy if it wants additional power, in the shape of a substantial say regarding who shall or shall not manage the Railways of India hereafter.

**Mr. President :** I must ask the Honourable Member now to bring his remarks to a close.

**Sir Purshotamdas Thakurdas :** Conditions Nos. 1 and 3 of paragraph 6 of the report deal with the question that Indians should be fairly represented on the Railway Board and that the Indian railway services should be rapidly Indianised. I shall very briefly indicate the reasons why the dissenting members thought it necessary to refer to these two ambitions of the Indian public. It is true, Sir, that the Railways of India are very valuable and very important commercial enterprises but the public of India wish to look upon the Railways of India also as national assets and they agree to the commercial management of these Railways only as far as is compatible with their national aspirations and with their national advancement. It is no good saying that these Railways must be managed in a life-saving spirit of economy, so that whatever may happen to the wishes of Indians either in the matter of Indianisation or in due encouragement by purchase of stores from India in order that

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The industries of India may be built up, this Assembly could agree to commercialisation or to the commercial management of Indian Railways. That is a fundamental difference between some influential sections in the country and the Indian public and I think it is right that that difference should be substantially brought to the surface and should be emphasised at this particular juncture in order that there may be no misunderstanding hereafter whenever the Assembly ask for more Indianisation or more powers of purchase of local stores by the Railways of India. The Honourable the Commerce Member referred to this demand, and if I did not omit to hear some part of his remarks, I am afraid his reply in connection with this struck me as being rather disappointing and halting. It is certainly a fact that consistent demands have been made by the Indian public for years now in these directions. They feel that they have a right to and ought to have a greater hand in the management of the Indian Railways. It may be quite true that it will take a little time to train them up but this question must be agreed to without the least hesitation or shadow of a doubt that whatever the case, whether you separate the budgets or not, the Assembly will be justified year in and year out in pressing that there should be more and swifter Indianisation of the railway services in India and that the Indian Railways must encourage, of course within due and reasonable bounds, and must make it their goal, the purchase of stores in India in order that India may build up her industries. I feel, Sir, that a good deal of stress is always laid down on occasions like this on "efficiency." I know that this is being brought up every time whenever there is a question of any commercial department or indeed any department of the Government of India having to take up more Indians. I would only here repeat what Lord Lytton said "we do not employ natives more largely because they are not well qualified and they are not well qualified because we do not employ them enough." This is the vicious circle in which India has moved with immense patience for the last 50 years, and as far as the Railways are concerned for the last 75 years. India's patience is at an end and whether we have the separation of budgets or not, let it be understood without any doubt hereafter that Indians expect the Railways of India, which are the property of the tax-payer in India, to be worked commercially side by side, and, as far as that may be compatible, with their being the most important and national asset of India. I move my amendment.

Mr. President : I propose to adjourn the House till Half-Past Two, but before I do so, I will call upon the Home Member to make an announcement.

#### ALLOTMENT OF THE 24TH SEPTEMBER FOR NON-OFFICIAL RESOLUTIONS.

The Honourable Sir Alexander Muddiman (Home Member) : With your permission, I should like to announce to the House that in reference to a request made earlier in the session the 24th will be allotted for Non-official Resolutions.

Dewan Bahadur T. Bangashahar (Madras City : Non-Muhammadian Union) : In allotting that day will the Honourable Member object if also for discussing the Mercantile Marine Committee's Report ?

**Mr. President :** No, it is a day allotted for non-official Resolutions and therefore you will proceed naturally by the ballot governing the business of the day.

**Diwan Bahadur T. Rangachariar :** I think non-official Members will agree to it.

**The Honourable Sir Alexander Muddiman :** My object was to meet the wishes of the House as regards non-official Resolutions.

**Pandit Shamlal Nehru** (Meerut Division : Non-Muhammadan Rural) : If any Bills remain over on the 23rd can they be taken up on the 24th ?

**The Honourable Sir Alexander Muddiman :** No, Sir.

**Pandit Shamlal Nehru :** May I suggest that it be allowed.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichnopoly : Non-Muhammadan Rural) : May I inquire from the Leader of the House whether in reference to my request to give some time for the discussion of my Resolution on the floods, he will be able to allot some time.

**The Honourable Sir Alexander Muddiman :** I had already said that a day had been allotted for non-official Resolutions.

**Mr. President :** In view of the fact that time is short, only seven days to the day allotted, the ballot list will open at once, and the balloting will take place in one of the Committee rooms at 10-30 on Friday morning the 19th.

The Assembly then adjourned for Lunch till Half-Past Two of the Clock.

The Assembly re-assembled after Lunch at Half-Past Two of the Clock, Mr. Deputy President in the Chair.

### RESOLUTION *RE* SEPARATION OF RAILWAY FINANCE FROM GENERAL FINANCE—*contd.*

**The Honourable Sir Basil Blackett :** Sir, the amendment which has been moved by the Honourable Sir Purshotamdas Thakurdas takes the form of an additional clause, but it is an additional clause which is also a conditional clause. The clause takes the form of saying that while the recommendations in the Government's Resolution regarding the separation of railway finance from general finance should be carried out, they should be carried out only if the Government accept certain additional recommendations ; that is to say, if the Government are unable to agree to carry out those additional recommendations, the proposal for the separation of railway finance from general finance falls to the ground—a proposal which in the view of the Government and in the view of the Honourable Member who moved this amendment is a very desirable administrative reform. But the greater part of the speech of Sir Purshotamdas Thakurdas was extraneous to the subject of separation of railway finance. He touched on that subject once at any rate when he said that he was a very strong advocate of this administrative reform, and yet he moves an amendment which has no direct connection with separation ; and the inability of the Government to accept which may result in the complete loss of this desirable administrative reform. I am very sorry that the issue has become thus clouded. This is an administrative reform to which I attach very great importance.

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I believe that it will effect a direct economy in the management of the Railways and that it will greatly assist in the stabilization of the general Budget. Sir Purshotamdas Thakurdas stated quite rightly that the reform is one which has been under consideration for nearly three years since the date of the Acworth Committee's Report. At the same time I would remind the House that the previous Assembly considered this matter and decided to adjourn it for a year and a half. It has already therefore been once postponed because of its difficulties by the Assembly. I may claim, Sir, that I have had a certain share in bringing this Resolution forward to the stage which it has reached at the present moment. It is one of the reforms in the financial system of India which attracted my attention from the very first; it is one to which I have given a great deal of time and a great deal of trouble. Mr. Hindley as the business manager of the Railways has from the very first co-operated most enthusiastically with the proposal, and if it had not been for his support, it would not have reached the position that it has reached to-day. But at the same time it is essentially not a railway proposal any more than it is a financial proposal. At the risk of repeating what has already been said, I would like very briefly to go over the arguments for separation and set the position before the House in the form in which I see it. I begin from the principle that the taxation of communications is bad taxation. It is taxation which falls both on the producer and on the consumer. It raises prices for the consumer and reduces prices for the producer and it decreases the volume both of internal and of external trade. In the initial stages of railway development in a country such as India there are many arguments for paying more attention to the development of communications than to making the Railways pay, and that was the line that was taken by the Government of India in the earlier days of the Railways in India. But by general consent that stage has passed away, and we are all I think at one in the view that the Railways must pay their way. The Railways have the benefit of Government credit, and in so far as they are not Company-managed they do not pay income-tax. There is therefore sound reason for asking Railways to pay something over and above their expenses and their interest. But I think such a contribution should be a small one. And it should as far as possible be regular so that the Budget figures from year to year may not be disturbed by serious fluctuations due to temporary causes and the temporary causes may not prevent the railway authorities from pursuing a definite and deliberate policy. If the receipts in a particular year are less owing to special causes than had been expected, the general Budget should not have to fill up the gap, possibly by extra taxation, possibly by curtailing desirable expenditure in some other direction. If the receipts are larger, the general Budget should not be tempted to reduce other taxation, for example to give up some part of the Provincial contributions owing to some temporary excess receipts. Such reduction of taxation, such reduction of Provincial contributions, should be made out of a definite and recurring surplus of available income, not out of a temporary windfall. On the other hand, Railways cannot, even if it were desirable, increase rates and taxes suddenly because the income of a particular year is less than they had reason to believe owing to temporary causes. Nor can they reduce them suddenly just because there is an exceptional and non-recurring increase. Nor is it desirable that Railways should have their expenditures curtailed owing to temporary causes due to the general position of the Budget unless there are very exceptional circumstances. What is wanted

is some approximation in India to what has been recently introduced in England, a standard railway revenue. The Railways should pay a regular but limited contribution to the State over and above their working expenses and interest. If they earn more, the surplus ought not to disappear in the general budget, but it ought to be credited to what I call in the first instance the Dividend Equalisation Fund, so that if in the next year receipts fall short, Railways might still be able to pay their contribution, and if receipts in the next year are again in excess of the contribution, that is a sign not that the Railways should pay an additional sum to the tax-payer, but that the time has come for reducing rates and fares. The Dividend Equalisation Fund then becomes a fund which enables the Railways to make good the temporary loss of revenue which invariably follows on a reduction of fares and rates. There is always a period during which the traffic is not increased to the extent required as the result of the reduction of rates to make up the loss in revenue. A reserve is also needed to meet the cost of any extra facilities or to enable the Railways to carry through a regular programme of renewals and extension. It is the absence of any such arrangement that has led to money being taken by general revenues during the war from Railway receipts and credited finally to general revenues. A good part of the money so taken did not represent any real surplus of earnings, but represented a depreciation of assets. It was impossible to obtain the materials required for renewals and repairs and maintenance and the lines, rolling stock, etc., were depreciating and could not be kept up to the mark, not because the money was not there, but because the materials for repair could not be obtained. Yet, the result of course was that there was a surplus of receipts over the actual expenditure and that went to general revenues. The state was really living on the depreciation of its assets. Such a condition of affairs is not only objectionable in that you do not know what you are really earning, but it disheartens the Railway authorities and is the last means to secure that they will work their undertaking economically. They will obviously spend their money on anything they can get at, rather than surrender it to the Finance Member. Let me sum up. The purposes of Railway separation are a stabilised budget, a stabilised railway revenue, the securing to the Railways of a real incentive to economise and to work on commercial lines, and the provision of the right conditions for maintenance of continuity in Railway policy and enabling rates and fares to be reduced the moment the opportunity arises and facilities to be increased without cost to the tax-payer.

Now, in considering these proposals, the House has rightly concentrated on two questions, the question of the amount of the contribution and the question of the control of the Assembly. The amount of the contribution is a question on which more than one view can reasonably be held. It would be possible to ask for a larger contribution than I am being made to ask for now. I confess my own preference for the rather smaller contribution that the Government originally proposed. But I am now quite ready to support the Resolution as moved to-day. But the view I would put quite shortly is that the question of the contribution is simply this. If you ask for more, the probability of an early reduction of rates and fares is postponed; if you ask for less that probability is increased and the moment at which it is likely to arrive is hastened. That is really the only question that is left open in that matter. The question of the Assembly's control is much more difficult. It was an essential part of the Govern-



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ment's proposals that the opportunities for discussion both by the Railway Finance Committee and by the Assembly should be increased and the methods for exercising the control should be improved. I have no doubt whatever that the technical control under the Government of India Act will be greatly improved by the Government proposals. But the Assembly expressed doubts as to the indirect results and I now come to Sir Purshotamdas' amendment. He made the point that one of the results of agreeing to separation would be that in the event of a deficit, the Assembly by convention were giving up their effective power to meet the deficit by a demand on the Railways. That, Sir, is perfectly true. The Assembly are being asked—and the Government are proposing themselves, the Finance Department is proposing—that the Assembly and the Government should lay down the proposition that taxation of communications is bad taxation, that in the event of additional taxation being required, which God forbid, that that should be imposed by some more desirable method than that of taxing the Railways. We are asking the Assembly to agree to a convention that it will not in normal circumstances—obviously one cannot legislate for abnormal circumstances—that it will not in normal circumstances try to meet a deficit by taxing communications, by interfering with its Railway property. The question of Indianisation, the question of State management and the question of Stores—no not the question of Stores—are directly raised by this amendment. The first point that I would like to make about this amendment is that it has strictly nothing whatever to do with the question of separation—strictly—that is to say that as things stand, Government have theoretically the right to say that they will have no Indians in the Railways. They have theoretically the right to say that they will buy stores always in the cheapest market without any reference to the question of purchase in India. They have the right to decide without reference to the Assembly that they will create a Railway Company to take over a State-managed line; they have that right now. If the Assembly refuses separation, the Government will still have that right. If the Assembly agrees to separation, the Government will still have that right. None of these questions are directly raised by the question of separation. They are all germane to Railways; that is all they have in common. Now, let me take these three questions. As regards Indianisation, the Government have already announced that they propose to accept the recommendations of the Lee Commission which propose to Indianise to the extent of 75 per cent. the Railway Engineering service. I do not think the Assembly have any reason to complain against the Government in the matter of the pace of Indianisation of the Railway staff. The Government are moving at the pace that they think is conducive to the best result for Indianisation itself. There is no conflict of opinion between the House and the Assembly as to the desirability of Indianisation.

**Sir P. S. Sivaswamy Aiyer** (Madras : Nominated Non-Official) : Will Government agree not to transfer State-managed railways to Companies without the consent of the Assembly?

**The Honourable Sir Basil Blackett** : The Honourable Member is again trying to mix up two subjects. I am always asking the House to really to appeal to them—to try and deal with one subject at a time on its merits. It is just one of our difficulties that when we raise one subject, we always get off to another. I will now pass to the question of Stores

management. The Government and the House are, I believe, at one in that matter. We have agreed with the House and it is merely a question of getting the change made. There is no conflict of opinion between the House on that matter. So far as part (b) of this amendment goes—that the Railway services should be rapidly Indianised and further that Indians should be appointed as Members of the Railway Board as early as possible—there is no kind of difference of opinion between the Government and the House.

I now come to the question of State management. The Government are asked to give an undertaking that no Railway line now managed by the State and no line now managed by a Company whose contract may hereafter expire, should be handed over to Company management without the previous approval of the Legislative Assembly. Now, I may tell the House quite frankly, this is entirely an unreal issue. The Government are not willing—and I do not think any Government ought to be willing—to give an undertaking in the form that is asked for. I may also tell the House quite frankly that it is not in the power of the Government of India to do it, that is to say, so far as the undertaking is concerned. But what are the facts? The Government have already stated that they have no proposal under their consideration at the present moment for the establishment of a Company to manage a State line. But Government have agreed with the House that, if at any time a Company is to be formed to manage State Railways, one railway or more railways, grouped or otherwise, that Company must be a real Indian Company with Indian capital. The Government are further willing, if ever a proposal for establishing an Indian Company with rupee capital is put forward to take over an existing line, to bring that matter before the Railway Advisory Council. They are perfectly willing that, if the Railway Advisory Council or any member of it so desire, an opportunity shall be given for that matter to be brought before the House. That is—and I say this quite frankly—as far as it is in the power of the Government of India to go. We therefore have reached this position. There is no real issue between us and the House on this matter that has anything to do with railway separation or the management of the Railways. I cannot conceive of any circumstances in which an Indian Railway Company with Indian capital would be willing to take over a State-managed line contrary to the wishes of the Assembly. The controversy is not a real one. If the House desires to make it a condition of separation that the Government should give an undertaking of this sort, then I have to say it frankly that we cannot do it. But, if the House really wants separation, then I do ask the House to consider whether they are really gaining anything by failing to get separation because they cannot get from us an undertaking which we cannot give. What is to be gained by postponement? The plan is one which the Government are convinced is of great value to the Indian tax-payer and to the Indian users of railways. It is one which I gather, generally speaking, the Assembly is convinced is a desirable reform on its merits. I think it was only two days ago that the Honourable Pandit Motilal Nehru stated that administrative reforms were equally important with constitutional reforms. That is a doctrine which I particularly commend to this House, because, I believe, that the way to advance quickly on constitutional reforms is to pay a good deal of attention to administrative advance. The Assembly agree, I gather, that in itself this is a desirable administrative reform. But they ask that some additional promise should be given by the Government—

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additional promise which is not connected with the separation question in this sense that before and after separation the Government are in exactly the same position in regard to the matters about which they are asked to give a promise. They are asked—I do not want to put it unfairly—but they are asked to make a bargain. If the Assembly agree to a thing (they say) that the Government desire, why should the Government not agree to something that the Assembly desire? But why do the Government desire this? Because it is an administrative reform which the Government and the Assembly are agreed is a good one. Now, any Parliament can obstruct any Government. No constitutional system can work if there is obstruction. If any constructive efforts are to be made during this period of transition in the matter of administrative reform, they must be made in nearly every case by co-operation between the Assembly and the Government. If the Assembly is unwilling to assist in improving administration during the transition period, then the Government are forced into the position of just carrying on. They can only carry on. They cannot introduce any new constructive improvement worth speaking of. They have to carry on on old methods which may or may not be the best and which in many cases are not the best simply because, though they may have been suited to the period before there was an Assembly, they are not suited to the period now that the Government have to bring a considerable portion of their policy and a considerable portion of their finance before the Assembly for criticism and for approval. We quite realise the importance that the House attaches to these particular reforms that are mentioned in the amendment. I have said that the Government are entirely in sympathy with the Assembly on the questions in regard to the Indianisation. As to the question with regard to Company management, there is no real issue between us at all, except the absolute inability of the Government to comply with the wish of the House. Now, supposing we do not get this administrative reform, which is what, I am afraid, must result if this particular amendment is pressed in this particular form, who suffers? The taxpayer suffers, the user of the Railway suffers, the Assembly suffers and the Government suffer. The taxpayer suffers because he is in danger of continuing to be taxed by means of communications and because his railways are costing him rather more than is necessary. The railway user, which means practically the whole of India, suffers because an administrative reform which is desirable cannot be introduced. The Assembly suffers because these changes in the form that is proposed by the Government do offer them opportunities of very much more effective control over railway finance and over railway policy owing to the improvements in the administrative machinery which are proposed to be introduced under these reforms. And the Government suffer because it is not they who are, on the whole, the final arbiters in this matter. They cannot under the present constitutional system give the undertaking that is asked for. They are thrown back, if the Assembly press this amendment in the form in which it is proposed, on a simple *non possumus*, which is not in their power to alter. Their position as a Government is weakened because it is shown clearly that, so far as administrative reforms are concerned, the effect of the Government of India Act is to take away from them their power to do anything except to carry on under their present powers and to do that which they regard as in the interests of India as a whole. On this occasion, the Assembly agrees with them that this reform is in the interests of India as a whole.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Will the Honourable Member kindly explain why it is not in the power of Government to offer the assurance which the amendments ask for ?

**The Honourable Sir Basil Blackett** : I think the Honourable Pandit must realise that this really raises large constitutional issues. In the present transitional constitutional stage an undertaking of this sort is an undertaking which I do not think any Secretary of State, Labour or otherwise, would agree to be given. It is one which he could not give.

**Pandit Madan Mohan Malaviya** : Have you asked the Secretary of State for it ?

**The Honourable Sir Basil Blackett** : The Secretary of State and the Government of India are unfortunately not in a position to agree to this, and so long as the present transitional constitutional position lasts, that must be the position ; so that with the very best will in the world the Government are quite unable to go further than they have gone. I do appeal strongly to the House in this matter. Very little change will be required in the form of the amendment. It is only necessary that the form should be recommendative instead of conditional. If that change is made see what happens. The Assembly and the Government get the separation of railway finance from general finance, which they desire. The Assembly have taken an opportunity, and a very good opportunity, for pressing earnestly on the attention of the Government and of the Secretary of State their desire that particular recommendations should be carried into effect. If the amendment remains conditional, what happens ? I am afraid, so far as I can see, that separation of railway finance from general finance is not carried through, and the Assembly have not gained much in the matter of pressing this recommendation on

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the attention of the Government. I do appeal to this House to consider carefully whether it cannot either omit this amendment altogether or, at any rate, modify its form.

**Mr. C. Duraiswami Aiyangar** (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I ask for a ruling from the Chair. I have given notice of an amendment, which is No. 31 on the Agenda that at the end of the amendment to Diwan Bahadur M. Ramachandra Rao's amendment clause (c) be added. Now I find that the amendment of which Diwan Bahadur Ramachandra Rao has given notice is identically the same as that which Sir Purshotamdas Thakurdas moved to-day.

**Sir Purshotamdas Thakurdas** : Oh no !

**Mr. C. Duraiswami Aiyangar** : It is to the effect that no railway line now under State management, and no railway line now managed by a Company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly, and that in the interests of more economic management the railway services should be rapidly Indianised, and further that Indians should be appointed as members of the Railway Board as early as possible. These are the two substantial items moved by Sir Purshotamdas Thakurdas and Diwan Bahadur Ramachandra Rao, and whether it is in the form moved by Sir Purshotamdas Thakurdas or Diwan Bahadur Ramachandra Rao, my desire is that my clause (c) should be added to it. I want a ruling from the Chair as to whether I will be in order in moving this.

**Mr. Deputy President :** I will consider the point.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, my Honourable friend, Sir Charles Innes, has been complimented on the very clear statement with which he opened his case this morning. I will now compliment him on another quality of his, and that is the promptness with which he adjusts himself to the atmosphere of the particular Chamber he is addressing for the time being.

While in this House my Honourable friend has tried to convince us that by accepting his proposals the Assembly will relax no authority which it possesses at present over the railway administration; in fact everything that the Assembly can do under the present constitution to regulate the policy of the Railways will remain intact. Just less than a week ago, while he was addressing the other House—the Council of Elder Statesmen—he observed as follows :

“ The dangers he saw in State management were the dangers that would inevitably arise as India became more and more democratised, and as the popular Assembly exercised more and more influence and control over the management of railways. It was no use saying that in India the popular Assembly would not attempt to exercise that control, for it was common experience that in all democratic countries the popular Assembly has interfered with the railway management, and it was also common experience that in all these democratic countries pure State management has been a failure. In view of this experience the modern tendency in democratic countries was to guard against those dangers by separating off the railway finance from the general finance and as far as possible getting their railways away from the interference of the popular Assembly.”

I trust that we can flatter ourselves as being the popular Assembly in India, and here is set out the object of the separation of finances by the Honourable Sir Charles Innes when he explained his case before the other House.

Then he goes on to discuss the various alternative schemes which Government considered with reference to the future of State management; and later on he proceeds to observe as follows :

“ In view of the dangers already referred to (by him) they were not anxious to bolt the door against Company management in India (so that even now they are thinking of it), but they would not be able to carry out their arrangements because they would not take over the East Indian Railway till the 1st January and the Great Indian Peninsula Railway till the 1st July next.

Regarding the separation of railway finance from general finance the Government had put forward two schemes, and if their proposals were accepted, many of the objections raised heretofore to State management would be removed altogether.”

But I did not hear a single word this morning from my Honourable friend which would indicate that this was one of the objects he had in mind. On the other hand, he tried to convince us that the Assembly would lose not a tittle of power over the Railways.

Now, Sir, it is no wonder that, in view of such statements made by responsible Members of Government, there should be some misapprehension in the minds of people. I am aware of the feeling in the minds of some of our friends that once the Assembly commits itself to this position, it may lead in course of time to the Railways being altogether removed from the vote of this House and treated as a non-voted item just as the Army is. There is another apprehension also that as we are about to create a State within a State, the railways may hereafter claim somewhat of the status of what are now known as the Indian States—I will not say Native States—and as in our own experience we have seen the President of the

Railway Board blossom forth into Chief Commissioner of Railways, there may be a time when we will have His Haughty Highness Mr. Hindley, Rajadhiraj of the Independent States of Indian Railways, who will refuse to answer our supplementary questions.

I would at once say that I do not share these apprehensions, and I will not deny that the present scheme has many attractions about it. I will also admit that the system of separation prevails in almost every other country where there is State management ; for instance in Prussia, Switzerland, Italy, South Africa, Japan and Canada. And I believe the latest State to adopt it has been Austria. But, Sir, in those countries the Legislatures have a real power of control over the Railways, just as over every other administrative department. Have we any such power yet ? Why is it then that my Honourable friend is anxious to force upon us this piece of reform, which, I am perfectly willing to admit, might fit in with the next instalment of constitutional reforms, when we are likely to have some sort of responsibility in the Central Government. Why not wait till that date ?

Now, Sir, my Honourable friend admitted that, so far as the capital portion of the rehabilitation programme was concerned, the Assembly stands committed to a programme of 150 crores, to be spent in five years, so that he has no ground of complaint as regard the capital expenditure for the Railways. That I believe is admitted by him. His complaint, so far as I could understand it, was that there was no similar security with regard to the revenue programme. Well, I do not know whether my Honourable friend has considered the possibility of getting this House committed to a scheme of revenue programme for five, or as many years as he likes, in a similar way as he got this House to commit itself to a capital programme for five years. I do not suppose there is any difficulty about that—

**The Honourable Sir Basil Blackett:** This is the scheme.

**Mr. K. C. Neogy:** I do not suppose that that constitutes the entire scheme.

**The Honourable Sir Basil Blackett:** Very nearly.

**Mr. K. C. Neogy:** Now Sir, I was rather surprised to hear him say that when in any particular year there are any unexpended balances in the Railway Department, they swell the surplus and are merged in the general revenues and that no part of it comes back to the Railways. Technically he may be correct in this statement, but Sir I dare say he has read paragraph 34 of the Mackay Committee's Report, where they pointed out that there is a good deal of misconception with regard to this so-called lapse system. I will not trouble the House with the details of their observations, but I will just read out one sentence where they say :

“ The greater the lapses for a particular year, the more is the Government able to allot for the next.”

I do not suppose, in the face of this observation, there is any real force in the argument advanced by my Honourable friend on this particular head. Then Sir, I was very much surprised to hear him say that if we are to adopt this particular scheme, the general revenues would gain to the extent of Rs. 40 lakhs a year, which is the railway share of the extra tax on the steel imports, due to the Steel Protection Act. I really wonder how this extra amount comes to be contributed to the general

[Mr. K. C. Neogy.]

exchequer. Would it at all matter if we had no separation at all ? (The Honourable Sir Basil Blackett : " I should pay.") I should like to argue that point with the Honourable Member. Does it drop from the sky ? It is simply taking out money from one pocket and putting it into another; that is how I understand the scheme.

The Honourable Sir Basil Blackett : Perhaps I may be allowed to explain to the Honourable Member as he does not seem to be able to understand it. Before separation, the position is that the whole of the railway receipts come to general revenues. If they are reduced by 40 lakhs as the result of the Steel Bill and so on, the amount the general tax-payer gets out of the Railways is reduced by 40 lakhs. After separation the amount of the contribution is fixed, and if the House chooses to double the steel protection, the amount of the contribution is not reduced; the general tax-payer gets the same amount out of the Railways and the amount is taken out of the railway reserves.

Mr. K. C. Neogy : I am not concerned as to what particular amount the railways pay, but if we have no separation, that 40 lakhs will continue to be credited to the Customs side of revenue; what is the difference ?

The Honourable Sir Basil Blackett : I get it twice over, once in and once out.

Mr. K. C. Neogy : I do not understand that. Where does the additional amount come from ? Now, Sir, I do not want to oppose this scheme as a whole. As I began by saying, this scheme has undoubted attractions about it, and I do not therefore propose to proceed with these observations any further.

I will now turn to one aspect of the present amendment, and that is with regard to the Indianisation. Sir William Acworth, I find, has written a letter to the press very lately expressing his strong approval of the scheme of separation, and his regret at the report that this Assembly was about to reject it. Poor Sir William Acworth ! Perhaps he does not know how things have been getting on in this country since he left India. I find that in his Report, presented to the Commissioner General for Austria of the League of Nations, on the question of the reconstruction of Austrian State railways, he refers to his work on the Railway Committee in India and he observes as follows, page 14 :

" In India the railways almost all belong to the State, but the bulk of the lines have always been worked by private companies. A Committee over which I had the honour to preside reported two years ago that the existing company management should not be allowed to continue, and the Indian Parliament has now resolved that as each of the existing lines' leases terminate, the companies' lines shall then be taken over for direct management by the State."

He is evidently labouring under a misapprehension, and evidently he thinks that the proposition which I had the honour to move in the winter of 1923 was accepted by the Government—

The Honourable Sir Basil Blackett : As I told the Honourable Member, it is not a real issue.

Mr. K. C. Neogy : Even this proposition was opposed by the Government, and all that they would agree to was to take over the management of the East Indian and the Great Indian Peninsula Railway. They would not agree to this proposition which was laid down by Sir William

Acworth and the majority of the Committee after mature consideration. And what about his other recommendations? He recommended that the Railways should be placed under the charge of a Minister of Communications. Have we any Minister of Communications in this House? I find that the different departments that would have gone to constitute that portfolio have been distributed between my Honourable friend Mr. Chatterjee and my Honourable friend Sir Charles Innes. Was it because, if his proposal, which I may say was also supported by the Inchcape Committee, was put into effect, then either the Railways or Commerce would have to be given over to an Indian Member of the Executive Council?

**The Honourable Sir Basil Blackett :** What has that got to do with separation?

**Mr. K. C. Neogy :** I am coming to Indianisation, and this is how I begin. I want to show that the attitude of Government with regard to railway policy has been anti-Indian in every sphere, beginning from the top, and down to the subordinate ranks of the railway service. Then, Sir, even this morning we had a crop of questions, which I believe my Honourable friend Mr. Hindley found it rather uncomfortable to answer. (*Mr. C. D. M. Hindley* : "Not at all.") At least he could not answer some of them. I need not labour this point any further because seldom does a day pass in this Assembly when we have no questions regarding the racial discrimination in regard to the conditions of service on the Railways. Sir, I find that a recent contributor to a literary magazine has taken the trouble to calculate the percentage of increase of Indians employed in the higher grades, in the different departments of the Railways in the years 1907 and 1923. There he points out that in the engineering branch the percentage of Indians employed in 1907 was 7 per cent. while in 1923 it rose to 23 per cent.—that is in 14 years. In the agency it rose from 0 per cent. to 0 per cent.; in the traffic from 7 per cent. to 24 per cent., in the Loco. from 0 per cent. to 3 per cent.; in the Carriage and Wagon department, from 0 per cent. to 0 per cent.; in the Stores from 11 to 12½ per cent.—a total of from 5½ per cent. to 19 per cent. And he points out that the Agents' Office and the Carriage and Wagon Department still remain closed to Indians, that in the Loco and Stores Departments, there is an infinitesimally small increase, and 16 per cent. in the engineering and traffic lines in a period of 16 years. He points out that the Islington Commission recommended in 1915 that the Loco branch should be entirely Indianised, that there was no Indian officer then in this department and that 8 years' progress towards the Islington ideal is represented by 2 Indians out of a total cadre of 72. Reference has been made to the recommendations of the Lee Commission. I am free to admit that those recommendations go to a certain extent towards the ideal of Indianisation. But, Sir, the Lee Commission report is not concerned with the subordinate departments at all, and it is a notorious fact that the subordinate departments of the Railways are overweighted by a particular community (*A Voice* : "Are they not Indians?"), and in the elaborate report that we have got with regard to the training of railway officers and subordinates in India by a gentleman belonging to the Locomotive Department of the State Railways we find that he has succeeded in making out a case against Indians generally. (*A Voice* : "No.") He evidently thinks that Indians will not do, so far as the subordinate establishments are concerned. He says:

"It is at the present time difficult to find Indians with the personal qualities that make efficient chargemen and foremen."



[Mr. K. C. Neogy.]

I wonder what those personal qualities are.

Then he proceeds:

"At the present day, therefore, the bulk of the upper subordinate appointments are held by domiciled Europeans and Anglo-Indians."

**Lieut.-Colonel H. A. J. Gidney** (Nominated: Anglo-Indians): As Statutory Natives of India Anglo-Indians are now Indians.

**Mr. K. C. Neogy**: Yes, when the question of Indianisation comes, but not when the question of pay is concerned. Anglo-Indians claim to be treated as Europeans when the question of pay comes up, but when it is a question of Indianisation and getting more loaves and fishes of office my Honourable friend will claim to be an Indian. When it is a question of—I do not know whether I should mention it, but as my Honourable friend has interrupted me, I think I must refer to the Tundla case. When the question of administering flogging to convicted criminals of his community comes up—

**Mr. Deputy President**: I would advise the Honourable Member not to be interrupted and I would ask him to go on with his remarks. His time is already up.

**Mr. K. C. Neogy**: I am very sorry that my Honourable friend interrupted me in the way he did. He ought to have been aware of the weakness of his position. Getting back to the subject, Mr. Cole proceeds:

"At the present day, therefore, the bulk of the upper subordinate appointments are held by domiciled Europeans or Anglo-Indians, and having regard to the material at present available in the lower grades of the service, no responsible railway officer could recommend a very early change in this position."

That is how Indianisation stands, that is what we are asked to pin our faith to by the Honourable the Commerce Member.

(At this stage the Deputy President vacated the Chair which was taken by Mr. President.) Sir, I believe the basic principle of this scheme is that the Railways ought to be treated as a business proposition. Is the railway a business proposition when you find that you pay more salary to members of a particular community for doing exactly the same thing for which you pay much less to Indians? Is that a business proposition? Now, Sir, the Honourable Sir Basil Blackett made the astounding statement that no Government anywhere in the world can give the undertaking that this amendment seeks. Is there any Government in the world which can afford to defy the popular will as the Indian Government can? I believe my Honourable friend has heard of contracts being placed before the House of Commons for their ratification. It is very difficult to have patience when arguments like these are advanced by responsible officers of Government. I for my part fail to see what is there that can prevent Government from accepting this amendment. That merely goes to substantiate the suspicions that are undoubtedly lurking in the minds of many of us here. Now, Sir, my Honourable friend claimed that this scheme would do away with the violent fluctuations to which the general budget is subjected by reason of the inclusion of the railway profits which vary considerably. Like my Honourable friend, I also do not understand preambles and I do not like the strong adjectival flavour of this particular preamble "violent fluctuations" and other things.

**The Honourable Sir Basil Blackett**: They happen to be true.

**Mr. K. C. Neogy :** I think it would have been far more correct to say that this scheme was necessary for the purpose of relieving the general budget from the manipulations of which the Finance Member is capable—that would have been the more correct description, because I dare say that what my Honourable friend has in mind is the war period when the so-called railway profits rose to a very high level. Was that due to any normal circumstances? Was it not due to the fact that certain items of expenditure were postponed, and by reason of that fact we had a bloated figure shown as the railway profits. That is not an inherent defect of the system. I think that it was necessary, in the interests of Government, to have a bloated budget during the war period. That gave the impression of an unusual financial prosperity in this country, and my Honourable friend's predecessors quietly annexed much more from the railway earnings than they were entitled to. In fact, the evils from which we are suffering at present—the high rates, the additional railway loans, and other things, are directly attributable to that action of theirs. I therefore say that it was more on account of the manipulation resorted to by the then Finance Members and the Government that the general budget was subjected to such violent fluctuations, particularly in the war years. With these words I beg to support the amendment.

**Mr. H. G. Cocke (Bombay : European) :** Sir, in a railway debate one of the objects of the speakers should, I think, be to keep on the rails, but my Honourable friend on my left succeeded in getting off fairly often. This is a business proposition. We are seeking to separate the budget of the Railways from the general budget because in the past we have been running our railway accounts on a system which is bad. I do not propose to go over the ground which has already been gone over very carefully by the two Members of the Government opposite but I think it is obvious to anybody who has gone over these papers, that to carry on with the present system of railway accounts is absolutely impossible. If we do it, we are going to hamper the future development of the Railways, and if this proposition is not passed, we are going to set back the clock of Railways for very many years to come. Really the question comes down to this. Sir Purshotamdas Thakurdas has put down an amendment which accepts the whole of the proposition of the Commerce Member but seeks to add two qualifications. Therefore any discussion on the merits of the actual separation proposals, provided Sir Purshotamdas Thakurdas spoke, as he said he did, for his party, does not seem to be very necessary. The proposals are accepted by this House, I take it, as a whole, but it is sought to add the two qualifications. Under (a) we are told that the proposition cannot be accepted unless Government agree to the proposition that no railway line now under State management and no railway line now managed by a company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly. Well, it has been pointed out by Sir Basil Blackett that this is a proposition which is practically beyond the power of Government to accept and therefore it seems to me that if that can be modified as suggested, so that the last few words read "without previous reference to and discussion by the Assembly," that will enable the Assembly to express its views on the particular proposal when it arises and we shall not now be putting before the Government a proposition which they cannot agree to. But the main point, I think, perhaps lies in (b) in connection with Indianisation.

[Mr. H. G. Cooke.]

Well, the Railways, as we know, constitute a technical service and it may be the rate of Indianisation in Railways has not been so rapid in the past as has been the case with some other departments of the administration, but I think it may reasonably be expected that Indianisation in the next five years will be much more rapid than it has been during the past five years. As regards the figures given by Mr. Neogy, he has pointed out that there has been practically no progress in Indianisation in certain departments of Railways. That of course is due to the fact that they are the more technical and the more advanced departments, but speaking generally, as shown by his figures, there has undoubtedly been progress. There will be very much more progress in the future. As regards the point raised by Sir Purshotamdas Thakurdas this morning, he pointed out that if the Finance Member of this country were faced with a deficit of  $1\frac{1}{2}$  crores and it was desired by this House not to go in for any further taxation but to meet the deficit of  $1\frac{1}{2}$  crores by cutting down expenditure, then, if the Finance Member were asked to cut 50 lakhs off the Railways, it would not help his deficit because his contribution from Railways is fixed and the cut of 50 lakhs would accordingly go to swell the reserve. That, I believe, is not disputed. But this separation is merely a convention. This is an agreement. It is not absolutely binding and if we are going to have another war or some abnormal circumstance, it is obvious that this arrangement—this convention—could be departed from in exceptional circumstances. It seems to me that that contingency of a large deficit is not likely to arise, but if it does arise, it will probably not be sufficiently serious to make it necessary to go to the Finance Member and ask him to reorganise his scheme. It is very essential that the Railways should have the benefit of the profits for future developments, profits which they have not had the benefit of in the past.

**Mr. C. Duraiswami Aiyangar :** I do not profess to have in the best part of my life dabbled with commercial finance as Sir Purshotamdas Thakurdas. My life has been spent only in calculating fees and out-fees by the simple rule of arithmetic. However, Sir, I am obliged to say a few general words as a layman, as an ordinary passenger. When I view the observations of the Honourable Sir Charles Innes and Sir Basil Blackett in dealing with this question, looking upon the railway administration as a purely commercial concern, I am startled to find what the fate of the ordinary passengers will be in this country if that view of the commercialisation of the administration is taken up seriously. Sir, I consider that it is too early in this country to think of railway communications purely from a commercial point of view, purely from a *soucar's*, purely from a usurer's point of view calculating how much dividend or interest it will produce and proceed entirely upon that line. I think, Sir, it does not do much credit to the railway administration in this country that in a vast country like this there should be only 37,617 miles of railway line whereas in a country consisting of one-fifth of the area of this country, the United Kingdom, there are already 24,850 miles of railway line. Sir, the Honourable Sir Basil Blackett has stated that Sir Purshotamdas Thakurdas was not moving an amendment which is relevant, which is germane to the subject of the separation of railway finance but to me it seems perfectly pertinent and relevant that when this Assembly is called upon to decide the separation of railway from general finance, it should impose on such a separation certain conditions

which will safeguard the powers of control of this Assembly. In one breath the Government Members assure us that the power of this Assembly will not in any way be taken away and in another breath they say even if such innocuous amendments are put in they will be prepared to withdraw the Resolution altogether. Sir, I will meet the threat which the Government Members offer. I think the Assembly is bound to stick to its policy of keeping up its control and if it is innocuous, we must plainly ask them why you should not accept the same. The Honourable Sir Basil Blackett has also stated that if the Assembly wants more contribution from the railway management, from the railway communications, then the reduction of fares will be postponed. If they ask for less, it will be accelerated. I fail to understand whether that is the only alternative for giving relief to the poor passengers of this country. There is yet another method by which you can certainly reduce the fares and that leads us to the question of retrenchment and that in its turn leads us to the Indianisation of services and to the Indianisation of purchases. The Honourable Sir Basil Blackett in his speech has told us that theoretically it is open to the Railway Board to refuse to take any Indian, theoretically it is open to the Railway Board not to purchase any stores in this country but to purchase wherever they please. At the same time, along with this threat, he also gives us some coaxing words, saying that as a matter of practical policy they have already resolved to Indianise the services and they have already resolved to make their purchases in this country. Sir, we are duly assured that attempts will be made to see that the expenditure on Railways is as far as possible made in this country ; but when Sir Charles Innes appeared before the Imperial Economic Conference he gave an encouragement to his own countrymen there as you will find on page 54 of the report. He says :

“ Large sums have been set aside for the rehabilitation of our railways and I hope that we may be able to embark on some new construction. On railway material alone we spent last year, almost entirely in this country, more than 8½ million sterling. Several development schemes are in contemplation and in one way or another the Government estimate that something like 70 million sterling will be spent on imported stock during the next five years for the railways and for development schemes. As in the past so in the future I have no doubt that the skill and enterprise of British manufactures will see to it that the vast bulk of their monies will be spent in this country.”

Sir, with this hope, this assurance which he gives to his own countrymen there, here we are assured that all possible steps will be taken for Indianisation of purchases. This morning my Honourable friend Mr. Neogy put some questions on this identical matter, question No. 2135, in which he asked amongst other things :

“(f) Will Government be pleased to lay on the table any order, circular or correspondence on the subject of purchase of stores in India and from the Stores Department by (a) State-worked, and (b) State-owned Railways ?

(g) When do Government expect action to be taken on the matter of stores policy and with regard to the passing of all indents through the Indian Stores Department, so far as the purchases for railways are concerned ?”

To these two questions the Honourable Mr. Chatterjee has given this answer. As it was too long to be read he did not read it, but as I will only read two portions of it I hope the Assembly will permit me to do so :

“(f) In their letter No. 1644-S., dated the 28th May 1924, the Railway Board addressed the State-worked railways, impressing on them the importance of carrying out the policy laid down in the new Stores Purchase Rules, a copy of which is available in the Library. The Railway Board also sent copies of the new rules to the

[Mr. C. Duraiswami Aiyangar.]

Agents of Company-worked railways. The Board have no doubt that the policy of the Government of India will be given full effect to on those railways. In their letter No. 2574-S., dated the 18th August 1924, the Railway Board drew the attention of the State-worked railways and also the East Indian and Great Indian Peninsula Railways to the desirability of making greater use of the Indian Stores Department in respect of the inspection and purchase of certain classes of stores."

With reference to part (g) he closes his answer by saying :

"The action taken by the Railway Board, which will be clear from the letters addressed to Agents of State Railways and to the Agents of the East Indian and Great Indian Peninsula Railways, dated the 18th of August 1924, to which I have just referred, will, the Government of India feel sure, lead to a considerable expansion of the practice of utilising the services of the Indian Stores Department for the purchase of railway stores."

These, Sir, are sweet theories. Both in answers to questions and in speeches they give us sweet assurances that this policy of purchasing Indian stores from Indian manufacturers will be followed and expanded. But, Sir, when we come to practice we do not find the same translated into action. We find that in the year 1922-23 out of all purchases made 69 lakhs of imported materials were taken, whereas the indigenous materials purchased were only 9.17 lakhs. Sir, it is with a view to seeing that as far as possible the Indian manufacturers are encouraged, in order that our further productive capacity is encouraged, further factories for railway materials are started and developed and further workshops opened—it is with this view we repeat times without number that the Indian Stores Department must be in control of these purchases ; and that Department must take and expand the policy of making purchases here. If you are not going to do that, if you are not going to develop further industries for the supply of railway materials, if you are not going to develop such industries in this country, how are you going to reduce the rates of fares and give relief to the poor passengers of this country. They are already very heavy and when we complain you say that in other countries it is much heavier, and therefore in this country we must thank our stars that the fare is only three pies a mile in the case of ordinary passengers. But, Sir, it has been worked out by an authority on the subject. He says :

"Taking the average earning in India of eight annas for unskilled labourers, for an expenditure of one day's earning he can travel 26 miles. Whereas in the United States of America where the average wage is Rs. 6 a day, he can travel 61 miles spending the whole earning of one day."

You are also aware that the passengers in this country do not travel for the purpose of earning, and on the other hand most of them travel for the purpose of spending. If you look at the statistics of Indian passengers it will be seen that a very large percentage of them are persons who carry out pilgrimages from one end of the country to another. If you are going to raise these fares and not give an assurance that they will be reduced by an economic and retrenchment policy, that practically means that you are taxing our religion, and by imposing a pilgrim tax you are doubling and trebling the taxes on poor pilgrims. This is not a country in which people travel from a materialistic point of view ; a large percentage of the passengers travel for the purposes of their religion. Therefore I would ask the Government not to consider their railway policy, at any rate at this stage of the railway administration, from a purely commercial point of view, but consider it with a view to public convenience more especially of the poor people of this country.

So, Sir, with these few words I request a ruling from the Chair upon the point which I put to the Honourable the Deputy President when he was in the Chair. The question which I put was that I gave notice of an amendment, No. 31 on the printed list, as an amendment to the amendment of which Diwan Bahadur Ramachandra Rao gave notice. I find that Sir Purshotamdas Thakurdas included the very same items, the very same terms, which Diwan Bahadur Ramachandra Rao has given notice of. But he makes it a condition whereas Diwan Bahadur Ramachandra Rao calls it a further recommendation. But so long as the Resolution is amended by adding a further recommendation or condition, I think, Sir, that it goes as part of that amendment. If I am in order I will move the amendment standing in my name. If I am not in order I will stop.

**Mr. President :** Am I to understand that the Deputy President gave no ruling ?

**Mr. C. Duraiswami Aiyangar :** He said he would take time and in the meanwhile he wanted Mr. Neogy to proceed. Before he gave his ruling he vacated the Chair.

**Mr. President :** The Honourable Member's amendment, No. 31 in the new list, can be moved.

**Mr. C. Duraiswami Aiyangar :** Then I move, Sir :

“ That at the end of the amendment moved by Sir Purshotamdas Thakurdas, the following clause be added :

‘ (c) and further that the purchase of stores for the State railways should be undertaken through the organization of the Stores Purchase Department of the Government of India ’.”

**Dr. L. K. Hyder (Agra Division : Muhammadan Rural) :** Mr. President, I shall not take up the time of this House by dwelling on this subject for a long time. I wish I could speak at greater length but my voice fails me. There are a few matters to which I shall refer in this short speech. First of all, I must compliment the Honourable Member for Commerce for his masterly survey of the railway problems and his masterly exposition of the subject which is embodied in the Resolution he has placed before us. Before I take up the amendment moved by Sir Purshotamdas Thakurdas I wish to refer to one matter and I wish to draw the earnest attention of this House to that matter. Well, it has been said that there are dangers of political corruption in a democratic House. This House, Sir, is not fully democratic, but it is well that this House should be told that in any commercial undertaking managed by the State there are undoubtedly dangers of the corruption of the public life of a country. I hope and I wish that this House will soon become a democratic House but none the less, Sir, it would remain true that what has happened in other countries might happen here also. I refer now particularly to the Railways as they are managed in other countries. You might ask me to give instances ; I shall give you instances. No one can say, comparing legislative bodies, that the British House of Commons is behind other Houses as regards purity of public life. Well, Sir, particularly in this matter of railways, a Committee was appointed in 1907 at the persistent demand of English farmers. They said that the rates charged to American produce from Liverpool to London were much lower than the rates charged to the produce which was brought to the railways from intermediate stations between London and Liverpool. Well, Sir, the Government took up this question and the Committee

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established the fact that the arrangements by which the Railways were compelled to charge lower rates for longer than for shorter distances, were forced on them for the reason that otherwise the produce would have taken the all-sea route. Well, Sir, this is one instance. Another instance I shall give you, and that is a colossal instance of the dangers that might arise in a democratic House if it is pressed by sectional interests. I refer to the dangers in America; they are known to everybody. I shall refer to a third instance, that is, the Prussian railways. They were ably managed, they brought in a handsome amount of money, but during the last six years, not on account of the depreciation of the mark but chiefly because Prussia had a vast army of railway employes and they had increases of pay and other concessions, the railways became a burden. Well, I wish to draw this conclusion that what is true in other countries holds true here also so that if Sir Charles Innes makes a statement in another House that State-management undoubtedly has dangers of its own, I say that he was putting forward an argument which is known to every economist and that no fault could be found with him on that account. But this is an extraneous matter. I have referred to it because it was referred to in a speech by one of the Members of this House.

Now, Sir, coming to the Resolution itself, I would say this that the Government appointed a Committee and the Committee was equally divided as regards this question of State management *versus* Company management. The Committee—leave that question alone—did recommend one thing, that it was absolutely essential in the interests of this country that these fluctuations upwards and downwards should be put a stop to and that the railway administration must be run on commercial lines, that is to say, they must know what they are going to spend, they must know what they have in hand so that they may carry out their projects. For that purpose they recommended the separation of railway finance from the general finance of the country. Well, Sir, that recommendation is embodied in this Resolution, and it was a surprise to me to find one of the Members saying that the Government have not carried out the other recommendations of that Committee. Well, Sir, here is one recommendation which is placed before this House, and I address this question to the Members of this House: “Are they dealing with the proposal on its merits? Are they in a reasonable frame of mind, in which they wish to carry out an administrative reform which is so eminently desirable? I do not know. In view of the vast amount of property that is at stake, with a view to its better and economical management, I do hope that this House will come to the conclusion that this highly desirable administrative reform should be carried out.

Now, Sir, coming to the amendment moved by the Honourable Sir Purshotamdas Thakurdas, the Honourable Finance Member has said with regard to clause (a) that the discussion is unrealistic. I wish to add that I should not think it probable that a Government Department which has got the management of the Railways would willingly, light-heartedly hand over a concern which is its chief basis of activity. If they hand over the railways to a Company, then what have they got to manage? They cut the ground from under their feet so that they have not got much to stand upon. That is one general consideration which applies to this safeguard which is brought in here and attached to the Resolution moved by Sir Henry Moncrieff Smith. The other thing is this, and

that is also a general consideration. I doubt it very much if the Government of India with their traditions, that is to say of a paternal Government, of managing everything themselves, would be prepared lightly heartedly to part with the management of a concern which they at present manage themselves. On account of their intimate association, on account of their direct activities in the past, on account of the fact that the Government of India do not lightly part with what they have, I should think the remark, made by the Honourable Finance Member is true that we are simply fighting over nothing, over things which do not exist.

Now, Sir, with regard to No. 2, Part B, I sympathise whole-heartedly

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with this question of Indianisation and I do hope that a time will come when the Railway Department of the Government of India would recognise that there is enough talent in this country and they would also give an opportunity to young Indians, who have worked up their way in the Railway administration of the country, to find a place on the Railway Board. I do whole-heartedly sympathise with the latter part of the recommendation contained in the amendment moved by Sir Purshotamdas. But I say this that this separation of the railway finance is a desirable thing. If you wish to Indianise, fight on the general issue. There you can win it and the thing would apply by itself to the Railway Department. It would not be a solitary department which would remain a high and holy mystery when compared with other departments ; it would be Indianised. But the interests of this country demand at the present time that the Railways be put in possession of the money that they require, that they be allowed to manage the concerns on commercial lines and that this House should require annually an account from them of how they manage the property which is entrusted to them. I do not think that this Resolution either adds to, or detracts from, the powers which this House already enjoys and any postponement of this highly desirable administrative reform would be a thing which would be costing an enormous amount of money to the people of this country. Let me tell you how the ordinary man in the street feels about it. You overhear conversations very easily. Two days ago I was moving to my hotel and I heard two poor men coming behind me saying to each other " Well, we cannot go to Delhi, because the railway fares are high." I would appeal to this House. It might be a small matter to Members of this House, but I say to the millions of people, to the 320 millions of people, it is a vital matter whether your rates are high or low ; and you could determine this easily by embarking upon this experiment which is provisional for three years and you could haul up the Railway administration and tell them " We gave you a free hand and your railway rates have not shown a tendency to move this way or that way."

**Mr. Jamnadas M. Mehta** (Bombay Northern Division : Non-Muhammadan Rural) : I think Sir, Government will admit that the House has taken a keen interest in the question of railway administration, and if the House has been unable to agree with the proposition of Government, the reason is that in this country to-day everything is looked through the question of more power for the people over the executive. That fact dominates every other consideration, and I agree with the complaints made by the Honourable Sir Charles Innes, by the Honourable the Finance Member, by my Honourable friend Mr. Cocke and other Members



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that while Indianisation, store purchase and other things are important in themselves they have nothing to do with the question of separation as such. That is perfectly true. The debate has gone on as if we were discussing Indianisation and stores purchase. But, as I said before, in this country to-day, every question whether it is administrative reform or any other question, is looked through the question of more power to the people over the executive and Government must not complain if, until they expedite their own consideration of these questions, they continue to be confronted by these somewhat irrelevant discussions on the questions before the House.

Now, Sir, I hope the present system of Railway management has got no friend in this House. The mixing up of railway finance and general finance is the worst possible combination that one could imagine, and the pronouncement of the Acworth Committee on that unhappy combination is so telling that it is unnecessary, any further to argue about it. It does really hamper the development of Railways and consequently of trade and industry. It does paralyse enterprise. It does entail loss on the finances of the country and it has also induced an element of instability in our finances. I am sure every Member of this House is perfectly convinced of the viciousness of the present system and desires the separation of railway finance from the general finances of the country. I was struck by the instances given by the Acworth Committee of the evil results of the present system. It is stated in the note prepared by my Honourable friends Mr. Parsons and Mr. Hindley that at times, because they could not spend a particular amount out of revenue for want of a budget grant, all capital expenditure that had been undertaken actually came to nothing. Lakhs and crores of capital expenditure would be of no good, if a few hundreds or a few thousands of revenue expenditure could not be undertaken in the absence of a budget grant; enormous capital stock was lying idle, we had to pay interest on it, it was getting depreciated and we were earning nothing on it. All for what? Because of this mixing up of Capital and Revenue expenditure under the present system. Moreover, Sir, the Railways have a tendency under the present system—an unmistakable tendency—of becoming irresponsible. If they get huge surpluses, they are taken away by the Finance Member. If they make a loss, it is to be made good by us; and any person or institution in this position is bound to be demoralised and cannot work up. For these reasons, Sir, if it could possibly be done, Government should consider whether they cannot come to some understanding with this House on the other questions that have been raised, so that separation which is absolutely essential to-day for the proper working of our railway administration may be accomplished. But separation is the beginning, not the end. Separation is for the purpose of commercialisation, not for itself. I do not find, I am sorry to say, in the Government proposals anything except the question of separating Capital and Revenue Expenditure,—anything else which shows that they themselves are quite prepared to commercialise the Railways. Can anybody imagine that you will pay in addition to the interest any additional contribution on the capital in a commercial concern? Is it commercialisation? Why are you paying this 5-6ths per cent. and now 1 per cent. on the capital at charge. That does not show that you want commercialisation of Railways. Does any com-

mercial institution ever pay anything except the interest on the debentures and loans ? The Acworth Committee definitely told us that it was undesirable to pay anything excepting the interest on the loans, and yet we find that Honourable Members think that they have scored something over Government by getting the contribution increased to 1 per cent. from 5-6ths per cent. They cannot be unaware that it will come from the tax-payer. The traveller will pay it, the commercial community will pay it, the trading community will pay it. Government do not bring it from England. They do not pay it out of their own pocket. This increase of contribution shows that Government themselves while talking of the commercialisation of Railways, are quite willing to bribe this Assembly for the purpose of securing more separation. It is anything but commercialisation. Let us proceed further. Even the other proposals do not show that except separation they have any idea of the commercialisation of Railways. What does commercialisation predicate ? What does it involve ? It involves that you will follow strictly commercial methods in the working of your institutions. In a commercial institution, Sir, the services of people are engaged on quite different terms. They are not in the nature of public servants as our Railway officers are. The railway service is organised as a public service, and under the present proposal of the Government it will continue as a public service and not as a commercial service. A commercial service indicates that you will insist on results being shown by your servants and if they cannot, you either dismiss them or remove them or degrade them. Under the present system, the members of the Railway services are secured of a graded increase in their salaries from the very beginning of their careers right up to the end. Their pensions are secured and are proposed to be increased under the Lee Commission's Report. It will thus be seen, Sir, the present railway service is anything but a commercial service. We never have such a thing in a commercial institution of servants being assured of a certain salary which is regularly increased year after year and which is likely to be increased if some Commission recommends it. No commercial institution can ever flourish if it continues to pay to its servants whether it makes a profit or incurs a loss. It is the commercialisation of the service which the Government ought to propose and not the mere separation of Capital and Revenue expenditure. Unless you have got any definite proposals for further stages of commercialisation of Railway management, the mere separation of Capital and Revenue expenditure will not do.

Thirdly, Sir, what control has the Assembly got on the question of rates and fares ? Unless the Assembly can see that the rates and fares will be regulated according to the capacity of the country and according to the requirements of trade and commerce, the Government will be ready to pay any contributions to the Assembly that we insist and will then necessarily continue the present high rates and fares. Is it known to the Government that on account of heavy rates many commercial institutions are suffering to-day ? Therefore, unless you agree to have some tribunal to decide and to regulate the rates and fares, a tribunal which will be under the control of the Assembly, it will be useless to have mere separation because you can go on in the same extravagant manner as you have been hitherto. There is no incentive to you, apart from your own honest intentions, to economise, to retrench or to see that you improve the results of your concern. In the absence of these things no contribution, commercialisation of service and constitution of a rates

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and fares tribunal—which are real commercialisation, it is useless for Government to say that their proposition is any attempt at securing better results than we are having at the present time. The result of this uncommercial and unbusinesslike proposal which the Government have made will be as Mr. Parsons has suggested in one of his notes, with regard to another question that the State management will be discredited and it will be an argument for reverting to the Company management. Unless Government really try to commercialise their railway management on the lines I have indicated, the argument for Company management will receive a strength of which the Assembly cannot possibly have any idea to-day. Therefore, Sir, I do hope Government will do something more than a mere separation which is merely a mechanical separation and which does not mean commercialisation. I have heard over and over again in the discussion to-day that high rates and fares are a tax on transport, on communications, and yet I find nothing in the machinery which Government have proposed that will achieve better results and lead to a reduction of rates and fares. As the separation which Government have suggested does not mean commercialisation, the argument for Company management will be strengthened. Therefore, the undertaking which Sir Purshotamdas Thakurdas asks that you shall not transfer any railway to Company management is wholly necessary, because the inevitable result of your present proposal will be that State management will be discredited.

Sir, I have nothing more to say except that it is still possible to arrive at some understanding in order to relieve the Railways from living from hand to mouth. At the present moment, they have no depreciation fund and no reserve fund. One writer has said that powerful as the Government of India is, the law of physics and statics and mechanics is still more powerful. Unless they can get some reserves for depreciation and other purposes, the railway management will continue to be in the present unsatisfactory position.

**Seth Govind Das** (Central Provinces : Landholders) : I move, Sir, that the question be now put.

**Mr. C. D. M. Hindley** (Chief Commissioner, Railways) : Sir, I had not intended to intervene in this debate after the turn which it took this morning. Sir, I am not politician. I understand very little about politics. I do my best to be a plain railway manager. The various convolutions, evolutions and the difficulties which seem to beset this question since it came before the House have rather bewildered me and I have no doubt that a great many Members of the House are themselves bewildered by what has happened. I am extremely disappointed, Sir, that this case, which we have taken a great deal of trouble to put clearly before the House, has not been considered on its merits for one minute during this debate. I have not heard any arguments or any criticisms directed towards the proposal that we have put up or any alternatives put forward to achieve the same object. It is, therefore, extremely difficult for me to put my case as I should have liked to put it if the debate had not taken a definite political turn. I presume I am right in my reading of Sir Purshotamdas Thakurdas's amendment. Sir Purshotamdas Thakurdas who is a business man of very great reputation in India, has urged over and over again the separation of Railway finances. He was a member of the Acworth Committee which strongly recommended early separation.

**Sir Purshotamdas Thakurdas :** So I do to-day, only with certain precautions and other safeguards.

**Mr. C. D. M. Hindley :** So he does to-day ! So we have heard him supporting in this House the motion and at the same time laying before Government conditions which have no connection whatever with the proposals of Government. These are the conditions which he says must be attached to a convention. I do not wish to pursue this subject because I shall get on to political ground where I do not want to get. I am quite sure that Sir Purshotamdas Thakurdas himself realises that the conditions which he has laid down cannot be accepted by Government, and therefore he has adopted this method of throwing out separation. That is my reading of it, Sir. I have already said that I am not a politician ; I am a railway manager. But I see that the constructive work we have put in over this business during the last 18 months is about to fall to the ground on purely political considerations. That, Sir, I think, is an interesting fact and I have no doubt that our friends the Press will duly communicate that fact fully to the rest of the world. I am quite sure Sir Purshotamdas Thakurdas will like it to be repeated in London and will also like his own friend, Sir William Acworth, to know what has been the result.

**Sir Purshotamdas Thakurdas :** According to Mr. Hindley's opinion !

**Mr. C. D. M. Hindley :** I have not expressed any opinion. I am simply giving the facts. Now, Sir, if it is not too late, I should like to say just a few words in my capacity as a railway manager. I have put myself, as the Honourable Sir Basil Blackett kindly said, heart and soul into this scheme from the very beginning. I have a good deal of experience of the present system. I had the honour of being in very close contact with Sir William Acworth in the early part of his visit to this country, and was able to give him a great deal of first-hand information about the actual detrimental effect of the existing system of finance on the Railways of India. Anyone who takes the trouble to read the evidence as given before the Acworth Committee will see that the recommendations of that Committee were founded on a very solid body of evidence condemning the present system of finance. The whole position is, from the practical point of view, that with a lapsing budget system as we have now, there is no possibility of carrying on a continuous business like that of railway management with any kind of efficiency or success. The continuity of operations which I have in mind, which is so desirable on Railways, is not, as perhaps might be at first thought, the mere continuity of keeping trains running—that is a minor matter. The most important matter, and one on which efficient and punctual train service depends is the meeting of the necessities of the whole organisation, both with regard to growth and in the matter of repairs to decayed and worn out materials. The Acworth Committee came at a time when the defects caused by the present system were most extraordinarily apparent. I do not wish to take up the time of the House by quoting what the Acworth Committee found in regard to the state of the Railways ; but I would like to say that it is no exaggeration at all to put down the widespread defects and inadequacies, which the Acworth Committee found, as directly arising out of the present system of finance. Further, I would assert that the potential insolvency which the Inchcape Committee also demonstrated to us also arose out of the present system of finance. During the war, of course, the matter became intensified by the difficulty of obtaining materials, but I do not think it can be seriously contested, and I think both Lord Inchcape and the Acworth Committee themselves both agreed that the present system was at fault.

[Mr. C. D. M. Hindley.]

The railway system is an organism of continuous growth. It can never stand still. It has always to go on increasing and improving its services to meet demands for increases in traffic. Further, it has also constantly, day by day, to meet the necessity for renewals. The Honourable Sir Charles Innes has already referred to some of the difficulties in effecting the necessary improvements on railways and also in carrying the essential renewals. I can give numbers of instances where the present system works so as to produce results which I think might almost be considered to have originated in a lunatic asylum. Mr. Jamnadas Mehta has been the most powerful advocate to-day for the abolition of the present system. I was very glad to hear his speech, and he certainly has a very clear vision of what the present system was doing for us and what the new system might do. I do not wish to take up the time of the House by giving instances, but they have been brought home to us drastically in recent years, and I am personally satisfied of the possibility of these things happening again in the future. I am perfectly satisfied that you have no security whatever that your railways will not get again into the position that the Acworth Committee found them, and into the position that the Inchcape Committee found them. There is no hope, no certainty that we shall be allowed regular and sufficient grants for meeting renewals and for effecting improvements. All the constructive work, the constructive imaginative work that your railway officers have been putting in during the last year and a half, since we had the benefit of the Inchcape Committee's inquiry, all the constructive effort towards improvements, towards seeking for additional traffic, for additional profits, for additional train services, all those constructive efforts are bound to go by the board if this House cannot come to some arrangement with Government whereby a continuous system of grants for revenue expenditure can be arrived at. I do not ask for sympathy for myself. I have done my best to try and get this scheme through because I believe in it, but I do ask the House to think for a little while what the effect of the rejection of these proposals would be. All over the country engineers and railway managers have been for the last year and a half steadily putting together large schemes of development and improvement, so that train services might be improved, so that accommodation might be increased, station buildings made more comfortable, and in particular so that our friends the third class passengers might be more comfortably carried. What is the mainspring of these efforts towards improvement? It is the hope that in some way or other when we have devised schemes which in themselves take three or four or five years to carry out, this House, holding the purse strings, may be able to give us some assurance that we can find the money at the time when it is required so that we can carry out those schemes. Can the House imagine what happens for instance when we have to take up the case of rebuilding a large bridge which takes perhaps three years to build? They give us a grant for the first year's work. The first year's work consists of laying down sidings, erecting workshops and collecting machinery and plant. During the second year the first consignment of girders will arrive for erection. During the third year the second load of girders is due. This House has in its hands the power to stop the grant for the second year's work, after we have planned the workshops, the sidings, collected equipment and materials; this House has the power to say, "Stop that bridge; it shall not go on." This House may do that by making a cut in my grant for some purpose entirely extraneous to Railways. That has its practical effect in preventing work being carried on. It has prevented work of this

kind going forward in the past and will in the future. Such action has also a much more important psychological effect on your railway managers and engineers. If they are not assured of getting adequate grants to carry out schemes which they have been preparing with the greatest difficulty and the full use of their expert knowledge and experience, what inducement is there for them to go ahead and devise further improvement schemes ?

That, Sir, is the most serious matter, one to which I do not think sufficient attention has been paid by this House because they do not altogether realise the conditions under which these works are devised. It very often takes a year or eighteen months to devise a scheme and think it out in order that it may be carried out efficiently. I do therefore feel very great regret, if it is the decision of this House to throw this proposal out, on behalf of these railway managers and engineers all over India who have been working heart and soul for the improvement of the Railways in the early future ; I do feel a great amount of sympathy for them, and I do feel there will be a very great amount of disappointment. I also feel that there will be inevitably a slowing down of effort, because they will feel that this House does not in the least sympathise with them, does not understand their work, and takes no trouble to help them to improve the Railways.

Sir, there is one word which I should like to add. One of the reasons why I have been very desirous of getting this proposal through, was that it was going to give us an opportunity of getting into much closer touch with the Members of the Assembly who are interested in railway management. I know popular opinion, which is expressed fairly freely is—I cannot remember the expression used by Mr. Neogy, but it was something rather offensive about my aloof attitude. Well, Sir, I may have perhaps a somewhat curt manner in answering questions, but I am most desirous of coming into closer touch with those Members of this Assembly who are interested in railway matters and who can assist us in framing our policy. For that reason I have welcomed the alterations which have been proposed in regard to the Standing Finance Committee for Railways and the Central Advisory Council. I further welcomed the possibility of having a longer period to discuss the Railway Budget in this House. If it had been possible to change the date of the railway year and put the Railway Budget before this House separately in September, I feel quite satisfied that we should have been able to get much closer, we should have been able to understand one another better. The House would have understood what we are driving at in our policy ; the House and its representatives on the Committee would have understood our difficulties and perhaps been a little more inclined to make allowances for our difficulties. I very much regret that this prospect seems to be further and further away. We shall come up again I suppose next March with a harum scarum debate lasting part of one day on a subject of vital importance to India, a harum scarum debate, no one knowing what amendments have been put or what heads of accounts they refer to ; every one bringing up his pet stunts and firing them off here in accordance with his annual custom, with no attempt at getting down to the real business, that is to say, the management of the greatest property, the greatest railway property which belongs to a nation in the whole of this world. I very much regret to have to face that prospect again next March. I should much have preferred to have five or six days, if necessary, for leisurely and careful discussion of the votes as they come up one by one.

Now, Sir, I do not feel for a moment that my contribution to this debate is likely to affect the main question, but I do hope that what I have said

[Mr. C. D. M. Hindley.]

from the point of view of the practical man will perhaps give some misgivings to other practical minded Members of this House who have pledged themselves to vote against a practical measure for a purely political purpose.

**Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna : Non-Muhammadian Rural) : Sir, my Honourable friend Mr. Hindley made a very feeling and impassioned speech in support of the scheme which he and the officers associated with him have placed before this House. There is no doubt, Sir, that the scheme which has been devised and considered in the Committee of this House has been the result of considerable trouble on the part of the officers and the Member in charge, and I may assure him that, so far as the merits of that scheme are concerned, there is absolutely no one in this House who is not for separation. I may also tell him, Sir, that the further fact which he has mentioned to-day that the managers of railways have been accumulating large schemes in anticipation of this separation, and the securing of a continuity of railway policy, is also a consideration which some of us had in mind. Therefore, at the outset, let me remove from his mind and the mind of those who think with him, that we are actuated by political considerations in regard to this matter. Sir Charles Innes, in the discussion on the Lee Commission's Report, more or less gave expression to the same sentiment, and said that he was a practical man of business and affairs and that political discussions do not appeal to him. The same sentiments, Sir, have been expressed to-day by Mr. Hindley, who even went to the extent of suggesting that my Honourable friend's amendment was a way of shutting down this separation. I think, Sir, my Honourable friend is doing a great deal of injustice to the Honourable Mover of this amendment. He has taken a considerable part in the deliberations of the Acworth Committee and the anxious days we had in the Committee of this House in regard to this matter. Therefore I think at the outset several Honourable Members who are on the Treasury Benches are always thinking that, whatever we say on this side of the House, must be actuated by political considerations, and I wish they would try to understand our point of view. For example, in this case, what is the exact position of the Secretary of State in regard to this measure? We did not hear a single word either from Sir Charles Innes or Sir Basil Blackett or my friend Mr. Hindley as regards the intentions of the Secretary of State in regard to the three points which have been raised in this amendment. Sir, the Honourable Sir Purshotamdas mentioned the case of the South Indian Railway. The renewal of that lease was made by the Secretary of State over the heads of the Local Government and without any knowledge of the Government of India, and what is there to prevent, even after the separation, the Secretary of State giving the East Indian Railway or the Great Indian Peninsula Railway to some company formed in England, or even in India, without any discussion or without any consideration of the terms of that lease in this House? That is the vital point which has been raised by this amendment. Sir, under the terms of the present constitution the Secretary of State is the final authority, who has the power of making contracts with these railway companies. That power, it is conceivable, might be transferred to the Government of India under section 19A. It might be delegated to the Government of India, and so far as I am concerned, we should like to see the Secretary of State divested of this power of making contracts with companies either in England or even in India. If that power is

conceded to the Government of India, we are face to face with an authority with which this Assembly can deal and negotiate. So long as that power remains in the hands of the Secretary of State, it is quite pertinent to ask what is the exact position of this Assembly with regard to these railway matters? The power of voting grants and dealing with the Railway Budget is vested in this Assembly, and if, over the heads of this Assembly and over the heads of the Government of India, the Secretary of State negotiates with some powerful corporation in England, or even in India and concludes an agreement without an opportunity to this House to examine the terms of the lease, I should like to know what exactly is the position of this Assembly. These matters have been mentioned so many times in the Select Committee of this House, that there is no misunderstanding of our position. In these circumstances this charge of turning every debate into a political debate is absolutely without any foundation, unless my Honourable friends who are sitting opposite can give us an adequate answer to the difficulty which we feel. Are they prepared to ask the Secretary of State to transfer the power of making contracts to the Government of India? Will they put forward the views of this Assembly regarding the delegation of that power to the Government of India, and will they now convey to the Secretary of State the desire of this House that this power should be delegated to the Government of India? A good deal has been said that these companies hereafter would be domiciled in India. It is all the more reason why the authority in India should deal with those future companies if there are any terms negotiated with those companies. This is the fundamental point which we wish to raise in connection with this separation of the railway finance from the general finance. The Budget has to be voted by this Assembly, but the power of making contracts will continue with the Secretary of State. The only answer that was attempted to be given to this question was that the Government of India have absolutely no power to commit the Secretary of State. May I ask the Honourable Sir Basil Blackett, and the Honourable Sir Charles Innes, whether this view of the case has been presented to the Secretary of State, and whether this constitutional difficulty of the final power being vested in the Secretary of State and the power of voting grants being in this Assembly has been appreciated and whether any attempt has been made to secure a solution? Unless we have a clear and unequivocal statement on this matter, my Honourable friends may rest assured that there would be no satisfaction on this side of the House.

Sir, so much for the initial difficulty. On the question of Indianisation it has been pointed out over and over again that even here the final authority is the Secretary of State. Take the railway service. It is certainly open to him to engage anybody he likes for the Carriage and Wagon Department, for the Locomotive Department, for the Stores Department. In the matter of the purchase of stores, whatever may be the policy of the Government of India, he may still continue to take steps which are not agreeable to this House.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

As regards the general question of Indianisation, perhaps Honourable Members have forgotten the very important memorandum marked as annexure A which was circulated with the explanatory memorandum of the Railway Budget for 1924-25. From the figures there given, it will be seen that the total number of superior appointments were 1,428 in 1923 and of this the number of Indians was 288, making about 16 per



[Diwan Bahadur M. Ramachandra Rao.]

cent. or one-sixth of these appointments. Is it unreasonable on the part of this Assembly to say that there should be a rapid Indianisation of the Services? The Honourable Sir Basil Blackett has stated—I am not quite clear as to what he said—he said that 75 per cent. of the appointments in regard to these railway services would be recruited in India. I do not know whether he refers to all the Services which are mentioned in this annexure A, the Agency, Engineering, Traffic, Locomotive, Carriage and Wagon, Stores and other Departments, or whether it only refers to the Service of Engineers which was dealt with by the Lee Commission.

**The Honourable Sir Charles Innes :** All Services. Page 23 of the Lee Commission's Report—State Railway Engineers and the Superior Revenue Establishments of State Railways. That covers all Services.

**Diwan Bahadur M. Ramachandra Rao :** Therefore, looking at the fact that not even one-sixth of the appointments are now held by Indians, a better rate of Indianisation is absolutely necessary. In regard to the Railway Board, we are perfectly aware of the present constitution of this Board. It has an administrative side, it has an engineering side, and it has a financial side. I should like to ask my Honourable friend whether it is impossible to find a single Indian who could fill with credit an appointment on the Railway Board in one of these three branches. The amendment which has been framed does not commit the Government to appoint him to-morrow, but it says as early as possible, and I should like to ask him whether that suggestion is unreasonable. I have no desire to continue this discussion any longer than is necessary. It seems to me that there is a fundamental point on which my Honourable friends opposite and ourselves are in disagreement, but I myself think that an agreement is not impossible. They must realise that they must back our proposals to the Secretary of State, and unless they are prepared to do that, I am afraid we shall be working at cross purposes. We definitely put forward the view that the control of the Secretary of State in regard to these matters, seeing that the Budget is votable and is within the purview of this Legislature, should be transferred to the Government of India with whom we can deal. The Secretary of State is a person whom we cannot reach, and so long as these powers are transferred there would be no objection to the acceptance of these proposals. What is asked is the establishment of a convention that, when we and the Government of India are in agreement in regard to the leasing of any of these Railways, the Secretary of State should not intervene, and that the decision arrived at between the Government of India and the Assembly should be binding, and, so long as the final power is with the Secretary of State, this is the only logical constitutional position that can be taken by this Assembly.

**Mr. W. S. J. Willson (Associated Chambers of Commerce :** Nominated Non-Official) : I should like to go straight to Sir Charles Innes' amendment. Personally, I think that the contribution to be paid by the Railways is there fixed on too high a basis. I think that transport should not be taxed heavily; that 5½ per cent. is too much. I think that this 1 per cent. is too much. But, Sir, as a member of the Committee it was my business to go in for a certain amount of give and take in order to arrive at a settlement of this very important question. After all, Sir, the difference between 5½d. and 1 per cent. is really only a question of 14 annas or 16 annas, so I had no great difficulty in agreeing to that in order to bring

in a unanimous report. Where my difficulty began was in certain recommendations which certain members of that Committee wished to make, and I was rather handicapped I may say by only receiving Sir Purshotamdas Thakurdas's amendments at a late hour to-day without being able to give them any previous consideration. Sir Purshotamdas Thakurdas and myself agree in a very large measure in our views about this separation question, but the difference is that he spoke to-day, as he frankly said, on behalf of the Nationalist party. When Sir Purshotamdas Thakurdas speaks only as a commercial representative, I find myself agreeing with him on a very great many points. I agree with what he said about Sir Charles Innes's presentation of this case, but I defy Sir Charles Innes or any other man, or super-man to introduce in this Assembly a comprehensive motion like this which would not provoke a certain amount of criticism from some of us. Where I agree most with Sir Purshotamdas Thakurdas is in the views as expressed by the Indian Merchants' Chamber and Bureau in their letter of the 25th August 1922 to the Secretary of the Railway Board, Simla, wherein it is stated :

" My Committee wish to reiterate their opinion that the rejection of the unanimous recommendations of the Acworth Committee regarding the separation of the railway budget from the general budget of the Government of India has been the fundamental wrong step taken by the Government of India."

I absolutely agree with that. Further on they say :

" My Committee are convinced that the successful management of Indian Railways will always be jeopardized unless a separate railway budget is insisted upon by the Assembly."

That is exactly my point of view.

Now, Sir when we come to consider the amendments, what really is the difference between the Government and the House ? I put it to you, that it is extremely small. If separation is such an important thing, such an advisable step, as Sir Purshotamdas' Chamber think and as mine think from the commercial point of view, I put it to you that the difference between the Government and the House or a section of the House is extremely small. Now, I am well aware that there is a certain section of the House who think that if a Government Member came into the House naked he would still have something up his sleeve. That cannot be the case at the present time. For my part, taking clause (a) it is to me so unthinkable that Government should ever contemplate handing our Railways over to any company public, private, foreign or Indian, without the consent of this House that I simply cannot believe it. They have agreed not to, so far as words go, without absolutely committing themselves to it for reasons which they say are constitutional. Now, I am not competent to argue a constitutional question, but I am prepared to accept from a responsible Member of Government, who has always enjoyed the absolute confidence of this House, who has been complimented upon the straight forward way in which he put this case before you, what he has said.

Now, I come to the question of Indianisation. Here again I say it is largely a question of words. Sir Purshotamdas puts it now as a " proviso," but I may say that there is no proviso whatever in the views expressed by his Chamber of Commerce in August 1922. This surely is again a matter of words. The Government have said they are Indianising. Mr. Hindley, every time he gets on his feet, tells us how much more Indianisation has taken place. It has gone further in the Lee Report, which says you shall go up to 75 per cent. Surely it is a matter of words, it is almost redundant to put it in this Resolution.

[Diwan Bahadur M. Ramachandra Rao.]

Then, Sir, we come to the amendment of Mr. Duraiswamy Aiyangar (c) that the purchase of stores for the different railways should be undertaken through the organisation of the Stores Department. Now, on that point, you have no assurance whatever from Government. I do not believe Government agree with you there. This amendment of Mr. Duraiswamy Aiyangar is what I want in principle myself. Nevertheless, I do not think that this is the time to press this particular amendment. In the first place, it is impracticable, because I understand the Stores Department is insufficiently developed to do the work, but I am prepared to co-operate in urging this question of store purchase in India with anybody and at all times. I made some remarks about it myself only the other day in the Finance Committee, but I say that the question of the separation of railway finance is so vital at the present time that we should not clog or delay the issue by raising questions of this kind, although that particular part of the amendment is one with which I am in complete accord. Therefore,—I wish to put it no higher than that,—the commercial opinion of Bombay, of Sir Purshotamdas' Chamber in the words which I have quoted, or of the Associated Chambers, is so strong on this question of the separation of railway from the general finance that I myself, one of the keenest supporters of the purchase of stores in India, am prepared to say that I am not prepared to jeopardise my chance of getting separation to-day by insisting on some other important, though minor matters. I put it to the House that the difference between Government and those Members who have spoken is largely a matter of words, mere words and no more. The principles are practically accepted.

**Pandit Madan Mohan Malaviya :** Sir, the reasons for the amendment have been very well put forward by many previous speakers. I want just to summarise our position as briefly as possible. In the first place there has been a good deal of confusion of thought in the view that has been put forward before the House regarding the conditions under which the Acworth Committee recommended the separation of railway finance and the conditions which now exist in India. The Acworth Committee on page 26 of their Report said :

“ We do not think that the Indian railways can be modernised, improved and enlarged so as to give to India the service of which it is in crying need at the moment, nor that the railways can yield to the Indian public the financial return which they are entitled to expect from so valuable a property, until the whole financial methods are radically reformed. And the essence of this reform is contained in two things (1) the complete separation of the Railway Budget from the general Budget of the country and its reconstruction in a form which frees a great commercial business from the trammels of a system which assumes that the concern goes out of business on each 31st of March and recommences *de novo* on the 1st of April, and (2) the emancipation of the railway management from the control of the Finance Department.”

Those were in essence the two changes that the Committee recommended. As regards the second, the Finance Member and the Government of India have not accepted the view of the Acworth Committee. They have got a Financial Commissioner in the Railway Board and the Financial Commissioner, we understand, acts strictly under the control of the Finance Member. So I take it that the Government of India have not accepted the recommendation that the railway management should be emancipated from the control of the Finance Department, and I am glad that the Government of India have come to that conclusion. It will be an evil day for the country if the railway management were entirely freed from the

control of the Finance Department of the Government of India. Therefore we are left to deal with only one change, which the Acworth Committee regarded as essential, namely, the complete separation of the Railway Budget from the general budget of the country. Now, I want to understand what is the exact meaning of that? The Railway Budget is at present practically separated from the general Budget. It is prepared and submitted as a separate budget, though it no doubt forms part of the general Budget. The section dealing with it is entirely separate. It would not become more separate if it is taken up at a different time from the time at which the general Budget is taken up. There are two things which are of the essence of this separation. In the first place there was the complaint in the past that there could not be a continuity of railway construction and improvement because there was no certainty that the necessary funds would be available from year to year. That has been provided against by 150 crores having been voted by this Assembly for railway construction and improvement during five years. That will go on. So there is no more any reason left for anybody to urge that railway improvement will be jeopardised for want of a certainty of continuous sufficient contribution from the Government of India. The thing that is of the essence of the change proposed is that the Government of India now desire that this Assembly should bind itself to receive from Railways only a limited amount of profits for the general revenues every year. That is the only issue which is a new issue before this Assembly. At present it is open to the Assembly or rather to the Finance Member acting for the Assembly, though he does not always act according to the wishes of the Assembly, to appropriate the whole of the Railway profits to the general revenues of the year. And we are asked to bind ourselves down to the view that the Finance Member shall not, in future, appropriate more than a certain fixed proportion of the railway profits of the year to the general revenues, that we should bind ourselves to receive a definite amount, namely, 1 per cent. of profits *plus* one-fifth of the surplus, subject to the other condition which has been mentioned when the surplus exceeds three crores. I submit, Sir, that the absence of such an agreement as is proposed does not mean anything serious for the railway administration. The railway administration is assured of 150 crores to be spent in five years. They are also assured that the Finance Member is not going to ask for any very large sum from the railway revenues to be made over to the general revenues. This is the position. Therefore when the Chief Commissioner

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of Railways and the other Members who have spoken on that side drew a lurid picture of the evils that will arise to the railway administration if the proposal before us is not accepted, I submit that they did not place the correct facts before the House. The railway administration will not come to grief, it cannot come to grief, if the proposal of the Honourable Member for Commerce is not accepted because there has been no suggestion that except during the years of the war the Government of India have not given ample funds to the Railways. The railway administration have been free to recommend what percentage of working expenses should be charged and what percentage should be reserved for renewals. The Government of India have as a rule provided in the Budget what they asked for. The question now before us is whether this House should bind itself to receive only a certain fixed percentage of the revenues of the railways or let the existing practice continue. Now Sir, my friends on the Government side say that we should agree to this proposal because we do not lose anything very much by doing so, and that we shall help the railway administration

[Pandit Madan Mohan Malaviya.]

to show better results if they will know that they will have a certain definite proportion of railway profits only to pay towards the general revenues and that the rest will go to improve railway administration or to reduce rates and fares. We ask our friends to agree to certain conditions, three conditions. To two of these conditions the Honourable the Finance Member and the Member for Commerce have expressed their general willingness to assent. They say, in practice, we agree that there shall be Indianisation of the railway services carried out with reasonable rapidity—at least that is how I understood them to express themselves. (*The Honourable Sir Basil Blackett* : “Quite right.”) The one thing they have not expressed themselves about is the representation of Indians on the Railway Board. I do not remember to have heard anything at all from either the Honourable Member for Commerce or the Finance Member on that question, and it has been to me, Sir, a matter rather of surprise that they should not have said anything on this subject. I am open to correction.

**The Honourable Sir Basil Blackett** : I think I mentioned that this was a case in which the Government should have no particular difficulty in coming to an agreement with the Assembly.

**Pandit Madan Mohan Malaviya** : On the question of the Railway Board ?

**The Honourable Sir Basil Blackett** : Yes.

**Pandit Madan Mohan Malaviya** : Thank you. Therefore, Sir, if my friends do not find any difficulty in coming to an agreement with the Assembly on these two questions of the representation of Indians on the Railway Board and on the rapid Indianisation of the railway services, the only point of importance which divides the Government from this side of the House, is the question of an assurance that we desire to have from the Government that no State railway shall be handed over in future for management to a private company except with the prior approval of this Assembly. My friends say we should not apprehend that they will hand over a railway to a private company without consulting the Assembly. The Honourable the Finance Member has gone to the extent of saying that the matter will be brought before the Central Railway Advisory Council, and if any member of that Council should so desire, the matter will be brought before the Assembly. But there he stops. It will be brought before the Assembly for an expression of the opinion of this Assembly. Now, Sir, it is a painful thing for us to be reminded again and again and to remind our friends on the opposite side that a consultation with this Assembly does not yet mean that the Government of India will accept the view which this Assembly may express even by an overwhelming majority. We therefore desire that we should have the assurance from the Government that they will not hand over any State railway to a private company except with the approval of this Assembly. The Government say that this is a constitutional question, that they cannot as a Government—the Government of India and the Secretary of State together—agree to ask for the previous approval of the Assembly before handing over the management of a State railway to a private company. The Honourable the Finance Member has not told us what the constitutional difficulty is. The power is at present exercised by the Secretary of State. The Secretary of State, if the matter is represented to him will, I venture to think, see

the reasonableness of the demand which we put forward ; and if this demand is put forward before him and if he considers it reasonable, our difficulties and our differences will be solved. Why should not this view of the Assembly be placed before the Secretary of State, and why should not the Government of India keep an open mind on this question ? My Honourable friend says, " this is a constitutional question of great importance : we cannot agree to it ". Now I ask him to consider the other side of the case. There is a constitutional difficulty in the way of us Indian Members who represent the people in accepting the proposal of Government. That constitutional difficulty is this. Railway revenues bring us a certain amount of profit every year. Suppose there is a profit of 8 crores next year so far as the Railways are concerned, and suppose there is a deficit of two to three crores in the general Budget of the country. As matters stand at present, if we do not agree to the proposal of the Honourable the Commerce Member, the position will be that the Finance Member will take into account the 8 crores of profits on the Railways and adjust his account, without resorting to any fresh taxation. If we agree to the convention which is proposed, that is, bind ourselves not to touch anything above five crores or so of railway profits, we shall be face to face with this situation—that while there may be three crores more of railway profits of the year, it must be kept as a railway reserve, and we may have to increase the salt tax, or customs duties, or find some other means of taxation to meet the deficit of the two or three crores in the general budget. That will be the constitutional position in which we shall be placed. Now, I ask Members of Government to consider in fairness whether it is reasonable to ask the House to agree to such a convention unless we feel satisfied that in certain essential matters Government will not act without the consent of this Assembly if we agree partly to give up the power of appropriating revenues from the Railways to the general Budget. If we agree to expose ourselves to the situation in which fresh taxation may have to be imposed even while railway profits should be available, even when railway profits should be available but only to be placed in the railway reserve—if we agree to put ourselves in that position, we must have the assurance that the railway administration shall be conducted by the Government in conformity with the wishes of this Assembly. And what is the assurance that we want ? The assurance that we want is that the biggest railway, the most profitable of all Indian railways, the East Indian Railway, shall not be handed over for management to a private company next year or the year after, that when the Great Indian Peninsula railway contract comes to an end it shall not be handed over to any private company without the prior approval of this Assembly. And why do we ask for this ? We ask for this assurance because we feel that, unless we get this assurance and unless we get fair representation on the Railway Board, we shall be doing a wrong, an injustice to the people of this country if we agree to the proposals of the Government. How are railway profits made ? How is the railway revenue made ? It is made up of the rates and fares imposed upon the people. It is the people who contribute in this indirect manner the revenues that the Railways raise. At present the railway administration and the Government of India are free to raise the rates and fares as they may think fit. The rates have been raised, fares have been raised without any reference to the Legislature. The people have long been complaining that rates and fares have become very high. We have heard a good deal to-day in this discussion and since these proposals

[Pandit Madan Mohan Malaviya.]

were put forward of the desire to reduce rates and fares. We have not yet seen that desire put into practice. We shall be very grateful if the desire to reduce rates and fares is actually put into practice. We have no wish that our people should be taxed to a larger extent than is justified by reason, we do not desire that the general revenues should receive a large yearly accretion from railway revenues by rates and fares being kept up ; on the contrary, we desire that the rates and fares should be reduced. But we have no certainty that they will be reduced until we have an effective representation on the Railway Board and the Railway administration, until the Government of India know that they are under the necessity of coming to this Assembly year by year for the appropriation of railway revenues. My European friends say : " Do not throw away this highly desirable administrative reform for a consideration which is somewhat ulterior to the proposal before us ". But this consideration is not ulterior. This is the one power which is in our hands, of compelling the Government to carry out the reforms which we consider to be essential. If we agree to bind ourselves by the convention which you propose, if we agree that we shall not touch railway revenues beyond one-third of surplus profits year after year for the next three years, then it means this that you will be free, if you think it right at the time and I apprehend that it may be that Members of Government who are in power at the time may find abundant reason to be satisfied at that time that the State should not manage its railways and that they should be handed to a private Company, so to hand them over. We feel that in that case we shall not be able to justify our position before the people whom we represent, and therefore it is that we desire that the Government should give us the assurance that no State railway shall in future be handed over to a private company.

Now, Sir, it has also been said that we have imported political considerations into what should be a purely commercial question. It is rather amusing to hear that said. Sir, railway administration is not a purely commercial concern, it never has been so—it has been a politico-commercial concern from the time when the first Minute was written on Railways in 1853 or 1854, and that Minute was brimful of politico-commercial considerations. Railway administration has always been a politico-commercial business in this country. We are face to face with a situation which I want my European friends and Government Members to consider from our point of view. Look at the railway administration as it is being carried on at present. We take up the Railway Board Classified List. We find the Railway Board consists of Mr. Hindley, Mr. Parsons, Mr. Sheridan and Mr. Hadow. The officers are Mr. Chase, Mr. Allum, Mr. Tomkins, Mr. Manson, Mr. Maffin, Mr. Stanley, Mr. Harvey, Major Budden, then one Indian gentleman, then again an Englishman, then Mr. Nicolls, then one Bengali gentleman, then Mr. Thomas, then Mr. Hayman, then Mr. Graham. Now this is the position. Is there any country to which reference has been made, either Switzerland or Prussia or Japan or Italy, where conditions like those obtaining in India exist, where the railways are so controlled and managed, by persons who are not inhabitants of the country in which the Railways are run ? Is there any other railway administration in which the great bulk of the people who contribute to the Railways are unrepresented as Indians are unrepresented in the railway administration of this country ? It is for these reasons that we desire to be assured that

the management of a State railway shall not be handed over to a company without our consent. My friends may think that we are importing political considerations into the matter, but we are bound to do so ; and we wish them to understand that it is part of our duty not to overlook political considerations. If my Honourable friends on the opposite side recognize that these considerations are valid, if they recognize that these are not unreasonable, then the Government of India should communicate with the Secretary of State, put our case before him, and obtain his consent to give us the assurance that we want, that no State railway shall in future be handed over to a Company for management until the approval of this Assembly has been obtained. They are put to the test of the sincerity of the views which they have propounded with great ability in this debate. They are now put to the test : if they earnestly feel that the change they propose should be effected, and if they recognize that we are reasonable in demanding that no State railway shall in future be handed over to a private Company without our approval, let them put forward our case before the Secretary of State. I feel confident, at least I feel hopeful, that the Secretary of State, considering the arguments that have been put forward on both sides in this debate, will not so easily come to the conclusion that what we have urged deserves to be ignored and that what the Government Members have urged deserves to be accepted in its entirety. For these reasons, Sir, I strongly support the amendment of my friend, Sir Purshotamdas Thakurdas, and I hope the House will carry it unanimously.

**The Honourable Sir Charles Innes :** Sir, I think we are all getting rather tired, and I do not propose to make a speech of any length. What impresses me about this debate is that after all there is very little difference between that side of the House and this. I think I am correct in saying that almost everyone in this House is perfectly satisfied that the separation we propose is really in the interests of the railways, in the interests of India, and in the interests of the tax-payer ; and I believe that all would be glad if we could arrive at some settlement which would enable us to get rid of the very small difficulty which is between us.

Now I will take first this question of Indianisation. Various things have been said in regard to this question in relation to the Railways to-day, but I think I may claim—I do not say anything about the past, the distant past—I think I may claim that in recent years we have done more in the way of Indianisation on Railways than in any other Department of Government. I have got the figures here. In the last three years we have taken on 16 officers in the Superior Traffic Department. Of those sixteen officers, not one has been a European—there were 8 Anglo-Indians and 8 Indians, that is to say, the whole sixteen have been Statutory Natives of India. In the Engineering Department in the last three years we have taken on 31 officers. Of those 31 officers, 9 were Europeans, 5 Anglo-Indians and 17 Indians. In other Departments we have taken on 29 officers, of which 5 have been Anglo-Indians and 2 have been Indians. Those other Departments include Departments like the Carriage and Wagon Department and the Locomotive Department which are Departments in respect of which we have got no facilities for training in India at present. Now in addition to that, Sir Basil Blackett has told you that we have agreed to the Lee Commission's proposals, namely, that we have agreed to this recommendation :

“We are strongly of opinion that the extension of existing facilities should be pressed forward as expeditiously as possible in order that the recruitment of Indians



[Sir Charles Innes.]

may be advanced as soon as practicable up to 75 per cent. of the total number of vacancies in the Railway Department as a whole, the remaining 25 per cent. being recruited in England."

Now we have accepted that recommendation. Then coming to the question of the Railway Board, I look at this question of Indianisation in this way. You cannot possibly treat Indianisation with reference to individual appointments or individual officers. The Railway Board is a technical Board. It is composed purely of men who are qualified to fill the appointment by reason of their knowledge and experience of Indian Railways. It does not control policy. The policy of the Indian Railways is controlled by the Government of India. But the Railway Board is a body of technical men. I do hope the House would not think that there is any bar of any sort or kind against an Indian being appointed as a Member of the Railway Board ; there is not. But the difficulty we experience in getting Indians to the Railway Board is that we have not got Indians in the Railway service of sufficient experience. It may be due..... (At this stage Pandit Madan Mohan Malaviya rose to speak). The Honourable Member spoke for half an hour. He might let me have my time. I will not give way.

**Pandit Madan Mohan Malaviya :** May I just ask a question of the Honourable the Commerce Member ? I do not want to interrupt him. I want to ask whether there is not an Indian like Rai Bahadur Rala Ram, who was for many years Chief Engineer of the Eastern Bengal Railway and whether he is not qualified ?

**Mr. Deputy President :** The Honourable Member had better avoid personal questions.

**The Honourable Sir Charles Innes :** It is grossly improper for the Honourable Pandit to raise the question of individual officers.

**Mr. Deputy President :** I have overruled it.

**Mr. Chaman Lall :** May I ask whether there is a single Indian Member of the Railway Board or a single Agent of Railways ? Is it not possible to get an Indian to occupy these places ?

**Mr. Deputy President :** I would permit the Honourable Member to go on.

**The Honourable Sir Charles Innes :** The Railway Board is composed purely of technical men, of senior technical experts in our Railway Service. The question of Indianisation in regard to the four members of the Board will right itself in time as Indians now in the service rise to senior positions. It may be that there were defects in the past in recruiting Indians for these services. But nobody can say in the last few years that those defects have not been repaired, and as Indians do rise to qualification and to the standard necessary for appointments not only in the organisation of the Board but in the Board itself, I will undertake that the claims of those Indians will be considered most carefully in each and every case. Already we have taken in the last few months two Indians in the Railway Board, and I hope that in the near future we will be able to take more. But, Sir, as I have said, I do not think there is very much difference between me and the House on that matter.

Let me now come to what is the crucial point in this case, namely, this question of State management. The Honourable Pandit in the course of

his speech just now said that they wanted security that in the next two or three years the East Indian Railway should not be handed over to a company. I want to make a fair offer to the other side. I suggest that if the Honourable Sir Purshotamdas Thakurdas will drop his amendment that we should agree on adding the following clause to the amended Resolution moved by Sir Henry Moncrieff Smith. It will come in as clause 9. It would go on :

“ They (these arrangements) shall hold good only so long as the East Indian Railway, the Great Indian Peninsula Railway and existing State-managed Railways remain under State management.”

That is to say, if any of these Railways is transferred to Company management, the convention goes ; and I have further added :

“ In the event of negotiations for transferring any of the above Railways to a private Company being undertaken, those negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly.”

Now, it seems to me, Sir, that that clause which I suggest meets all our difficulties. It enables the Members of this House to gain the separation proposals, to see these proposals through without giving away anything at all. It gives you security as regards these Railways. According to this amendment if any Railway, either the East Indian Railway, the Great Indian Peninsula Railway or any Railway now managed by the State is transferred to a private company during the currency of the convention that is to say, three years, the convention ceases to hold good, and I further say here that we are prepared, in the event—in the very unlikely event—of negotiations of this kind for transfer being undertaken, to have an understanding with the House, to make a promise to the House, that before any such negotiations are concluded, the Government will give facilities for discussion of the whole matter in this House. It seems to me, Sir, that this is a bridge over which we can pass on to the goal desired, namely, the goal of separation. It seems to me that everybody in this House is agreed that this separation is going to enable us to manage our Railways better and more efficiently, and that separation will be for the good of India. Mr. Duraiswamy Aiyangar suggested that if we had separation, we would not be able to reduce pilgrim fares. I assure Mr. Duraiswamy Aiyangar that if he is anxious to get the fares of pilgrims reduced, to have the rates and fares for the whole country reduced, the best way to do it is to agree to our proposal about separation. There is nothing between us except this fear that these Railways are going to be transferred to companies in the next few years. The amendment which I have proposed seems to me to relieve that fear on your part and enables this House to agree with a perfectly clear conscience to the proposals of Government, and I hope my Honourable friends opposite will meet me in this matter.

**Sir Purshotamdas Thakurdas :** Sir, we adjourned the House at 5 O’Clock yesterday and when an Honourable Member suggested that we might have got through that Bill, I think, Sir, the Honourable the President said that 5 O’Clock was late enough for this House to sit up to. I see that the Clock stands very nearly at half past five now, and in view of what I said at the outset when I moved my amendment that I was moving it on behalf of the Nationalist party, the Treasury Benches can easily understand that I am not in a position to say yes or no in reply to their suggestion without consulting my party. I would therefore suggest to you that the House may be adjourned and the discussion kept over till the next Government day.

**RETURN OF RAILWAY MATERIAL AND ROLLING-STOCK SENT TO MESOPOTAMIA DURING THE WAR.**

2158. \***Khan Bahadur Ghulam Bari** : (a) Is it a fact that during the war all sorts of Railway material, including rolling-stock, was sent by the Government to Mesopotamia ?

(b) If so, will the Government be pleased to lay on the table a list of such material ?

(c) If the answer to part (a) is in the affirmative, will the Government be pleased to state if all or any of those materials have been brought back to India ?

(d) Will the Government be further pleased to state if India has been compensated for such material as has not been restored to this country ?

**Mr. A. A. L. Parsons** : (a) Yes.

(b) Complete lists of all classes of material are not available.

(c) Some of the rolling-stock sent to Mesopotamia was returned.

(d) Yes.

**IMPROVED FACILITIES FOR THIRD CLASS PASSENGERS.**

2159. \***Khan Bahadur Ghulam Bari** : (a) Is it a fact that the attention of the Government has often been invited to the bad plight of third class passengers ?

(b) If so, will the Government be pleased to state what steps have been taken by the Government during the last two years to make them less uncomfortable ?

**Mr. A. A. L. Parsons** : (a) Yes.

(b) The Honourable Member is referred to the reports, copies of which have been placed in the Library, received from Railway Administrations with reference to Mr. N. M. Joshi's Resolution in connection with improved facilities for third class passengers, which was passed in this Assembly on September 7th, 1922.

A statement will also be included in the Administration Report on Indian Railways for 1923-24 giving details of the facilities introduced for third class passengers during that period. Copies of this Report will be placed in the Library shortly.

**OPENING UP OF THE LYALLPUR DISTRICT BY MEANS OF LIGHT RAILWAYS.**

2160. \***Khan Bahadur Ghulam Bari** : (a) Are the Government aware that Lyallpur district is one of the biggest wheat-producing districts in India ?

(b) Is it a fact that the Government intended to open up the Lyallpur district in the Punjab by means of light railways, but the scheme was dropped on account of the war ?

(c) If so, do Government propose to take up the scheme again in the near future ? If so, when ?

**Mr. A. A. L. Parsons** : (a) Yes.

(b) and (c). Investigations were made some years ago into the possibilities of affording additional railway communications in the

**Lyallpur District of the Punjab and these have been recently under re-examination. The estimates that have been made hitherto of capital cost and probable net earnings have not shown good enough results to justify construction. It is not possible to say when they can be undertaken, but we have reason to believe the Punjab Communications Board have the matter under consideration.**

**ERECTION OF A SHED ON THE PLATFORM OF LYALLPUR RAILWAY STATION.**

**2161. \*Khan Bahadur Ghulam Bari :** (a) Are the Government also aware that passengers are put to great inconvenience for want of a shed on the platform of Lyallpur railway station ?

(b) If so, do the Government propose to remove this inconvenience ?

**Mr. A. A. L. Parsons :** (a) and (b). The matter will be brought to the notice of the Agent, North Western Railway.

**Sardar V. N. Mutalik :** May I know, Sir, if there is any authority which any Member can approach in the first instance on such questions ?

**Mr. A. A. L. Parsons :** The Agent ; and probably the matter could be raised by a communication made to any member of the Local Advisory Committee.

**INCONVENIENCES TO PASSENGERS AT SHAIKHUPURA RAILWAY STATION.**

**2162. \*Khan Bahadur Ghulam Bari :** (a) Are the Government aware that the Shaikhupura railway station building is the cause of trouble and inconvenience to the passengers, going there, on account of :

(i) there being no separate exit for first, second and intermediate class passengers ;

(ii) there being no waiting room for any class of passengers ;

(iii) there being no shed on the platform ; and

(iv) there being no raised platform.

(b) If so, do the Government propose to remove these grievances ?

**Mr. A. A. L. Parsons :** (a) and (b). Government understand that arrangements for the provision of separate booking offices, a waiting room for upper class passengers, and a waiting hall for third class passengers are in hand. The other inconveniences complained of have been brought to the notice of the Agent, North Western Railway.

**Khan Bahadur Ghulam Bari :** Are the Government aware that there is simply a rest room for officers and no waiting room for passengers ?

**Mr. A. A. L. Parsons :** I have already informed the Honourable Member in my reply that arrangements for providing a waiting room for upper class passengers and a waiting hall for third class passengers are in hand.

**RURAL INCOME-TAX ASSESSMENTS.**

**2163. \*Khan Bahadur Ghulam Bari :** (a) Are the Government aware that, since the creation of a separate Income-tax Department, the Income-tax officers seldom go to villages for assessments ?

(b) Are the Government also aware that regular assessment is confined to towns only ?

(c) Are the Government further aware that such persons in villages who were once assessed continue to be taxed even if their conditions of life entitle them to exemption?

(d) If so, do the Government propose to see that no injustice is done to the poor villagers?

**The Honourable Sir Basil Blackett :** (a) and (b). Under the instructions issued in paragraph 62 on page 104 of the Income-tax Manual, Income-tax Officers are required to call for returns of their incomes from all persons who in their opinion would be liable to pay income-tax. The Government have no reason to believe that these instructions are not observed in the case of rural assessments. If the Honourable Member can quote specified instances in which these instructions have not been followed, the Commissioner of Income-tax of the province concerned will be glad to investigate such cases.

(c) and (d). The Government have no reason to suppose that persons who are entitled to exemption are being taxed inasmuch as the Income-tax Act, 1922, provides ample means by which any assessee can secure the rectification of any mistake or irregularity in assessment.

#### REMOVAL TO DELHI OF THE IMPERIAL LIBRARY, CALCUTTA.

2164. \***Khan Bahadur Ghulam Bari :** (a) Is it a fact that the Imperial Library is still at Calcutta?

(b) If so, do the Government propose to have it shifted to the Imperial Capital?

**Mr. J. W. Bhore :** (a) Yes.

(b) The Government of India have under consideration the whole question of the future of the Imperial Library, Calcutta.

#### ACCESSIBILITY OF THE PUBLIC TO GOVERNMENT OF INDIA RECORDS IN CALCUTTA.

2165. \***Khan Bahadur Ghulam Bari :** (a) Is it a fact that all the Government records at Calcutta are not open to the public?

(b) If so, will the Government be pleased to lay on the table a list of all such documents which are regarded as confidential?

**Mr. J. W. Bhore :** (a) Yes.

(b) No such list is available and the compilation of one would entail an undue amount of labour.

#### REVISION OF THE PAY OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT, BOMBAY.

2166. \***Mr. Harchandrai Vishindas :** Will Government be pleased to state :

(a) If their attention has been drawn to the questions and answers printed at page 54, Volume XI of the proceedings of Bombay Legislative Council, relating to the anomalous disparity existing between the pay of divisional accountants of the Public Works Department—officers of higher grade drawing lower pay than their subordinates, namely, head clerk and senior accounts clerk in the same office; to which the Honourable Member in charge replied that the question rested with

- (b) If so, have the Government of India taken any steps for the removal of the said anomaly by raising the pay of the afore-said divisional accountants above the level of that of their aforesaid subordinates ?
- (c) If it is a fact that the revision of the scale of pay of the divisional accountants has been under the consideration of the Government of India since 1921 ?
- (d) If so, what has been the cause of delay and do Government propose to expedite such revision ?

**The Honourable Sir Basil Blackett :** (a) Government have seen the questions and answers referred to in part (a).

(b), (c) and (d). The Auditor General submitted proposals for a revision of the pay of divisional accountants in 1921, but on account of financial stringency the Government found it necessary to postpone the consideration of the proposals in common with other similar proposals. The Auditor General now states that he is about to submit fresh proposals on the subject.

**Mr. Harchandrai Vishindas :** Might I inquire when it is expected that this question will be disposed of by the Auditor General ?

**The Honourable Sir Basil Blackett :** I can only say in the near future.

**RATES OF PAY OF EUROPEAN, PARSI AND INDIAN SUBORDINATE LOCO. RUNNING STAFF ON THE NORTH WESTERN RAILWAY.**

2167. **\*Mr. Harchandrai Vishindas :** (a) Has the attention of Government been drawn to the letter addressed by the General Secretary, N. W. R. Union to the Loco Running Superintendent published in the "N. W. R. Union Weekly" of the 28th July 1924 at pp. 245 *et seq.* pointing out the disparity between the pays of equally qualified Indian Railway servants on the one hand and Parsis and Europeans on the other as in the following table ?

**Firemen.**

Indian firemen (illiterate).	Parsi firemen.
Rs. 0-8-0 to Re. 0-10-6 per day in five years.	Rs. 60 to Rs. 80 in three years.
European firemen.	Indian firemen (literate).
Rs. 80 to Rs. 100 in 3 years.	Re. 0-11-0 to Re. 0-14-0 per day in five years.

**Shunters.**

Indian shunter (illiterate).	Parsi shunter.
Re. 0-13-0 to Re. 0-15-0 per day in three years.	Rs. 90 to Rs. 100 in two years.
European shunter.	Literate Indian shunter.
Rs. 100 to Rs. 130 in two years.	Re. 0-15-0 to Re. 1-1-0 in three years.

**Drivers.**

Indian Drivers (illiterate).	Parsi Drivers.
Rs. 31 to Rs. 61 and Rs. 68 (special).	Rs. 115 to Rs. 180.
European Drivers.	Literate Indian Drivers.
Rs. 140 to Rs. 230.	Rs. 38 to Rs. 70 and Rs. 75 (special).

(b) Are the figures given above correct ?

(c) If so, can this be reconciled with the reply given by Government to Mr. W. M. Hussanally's question No. 1214 in the last session where it was stated that there was no distinction observed ?

(d) And if it is now found according to the above figures that such a distinction does exist are Government prepared to remove such distinctions and maintain racial equality ?

(e) If not, why not ?

**Mr. A. A. L. Parsons :** (a) Government have seen the letter referred to.

(b) No.

(c), (d) and (e). The statements made appear to be based on the old scales of pay which were abolished with effect from the 1st March 1923. A table of the existing rates is laid on the table.

I may say that there is now no differentiation made between the pay of the classes of employees on communal, or other grounds.

*Existing rates of pay for the subordinate Loco. running staff of the North Western Railway.*

Year.		Class I.			Class II.		
		Rs.	A.	P.	Rs.	A.	P.
1st year	Fireman earned.	0	8	6 per day plus O. T.	Fireman earned.	0	11 0 per day plus O. T.
2nd "	Fireman earned.	0	9	0 per day plus O. T.	Fireman earned.	0	11 6 per day plus O. T.
3rd "	Fireman earned.	0	9	6 per day plus O. T.	Fireman earned.	0	12 0 per day plus O. T.
4th "	Fireman earned.	0	10	0 per day plus O. T.	Fireman earned.	0	13 0 per day plus O. T.
5th "	Fireman earned.	0	11	0 per day plus O. T.	Fireman earned.	0	14 0 per day plus O. T.
1st year	Shunter earned.	13	0	0 per day plus O. T.	Shunter earned.	0	15 0 per day plus O. T.
2nd "	Shunter earned.	0	14	0 per day plus O. T.	Shunter earned.	1	0 0 per day plus O. T.
3rd "	Shunter earned.	0	15	0 per day plus O. T.	Shunter earned.	1	1 0 per day plus O. T.
<i>Drivers.</i>							
1st year	Driver	Rs. 31	p. m.	plus O. T. earned	Drivers	Rs. 38	p. m. plus O. T. earned.
2nd "	"	34	"	"	"	41	"
3rd "	"	37	"	"	"	44	"
4th "	"	40	"	"	"	47	"
5th "	"	43	"	"	"	50	"
6th "	"	46	"	"	"	53	"
7th "	"	51	"	"	"	60	"
8th "	"	51	"	"	"	60	"
9th "	"	56	"	"	"	65	"
10th "	"	56	"	"	"	65	"
11th "	"	61	"	"	"	70	"
12th "	"	61	"	"	"	70	"
13th "	"	68	"	"	"	75	"

**NOTE.**—Specially selected men from Class III who have completed two years service in the Rs. 175 grade, have good records and are light in fuel consumption, will be eligible for transfer to class IV and will be rated at Rs. 180 in the latter class. They will then work their way to the maximum of class IV.

*Existing rates of pay for the subordinate Loco. running staff of the North Western Railway.*

Year.	Class III.		Class IV.	
1st year	1st year employed in shed Rs. 30 p. m.	Boys of 16 will start on Rs. 30 p. m., boys of 17 on Rs. 35 p. m., and boys of 18 to 20 on Rs. 40 p. m.	Employed in shed Rs. 40 p. m.	Boys of 16 will start on Rs. 40 p. m., boys of 17 on Rs. 45 p. m., and boys of 18 to 20 on Rs. 50 p. m.
2nd "	2nd year employed in shed Rs. 35 p. m.		Employed in shed Rs. 45 p. m.	
3rd "	3rd year employed in shed Rs. 40 p. m.		Employed in shed Rs. 50 p. m.	
4th "	4th year employed in shed Rs. 45 p. m.		Employed in shed Rs. 55 p. m.	
5th "	5th year Fireman Rs. 55 p. m. O. T. earned.		Fireman Rs. 70 p. m. O. T. earned.	
6th "	6th year Fireman Rs. 60 p. m. O. T. earned.		Fireman Rs. 80 p. m. O. T. earned.	
7th "	7th year Fireman Rs. 70 p. m. O. T. earned.		Fireman Rs. 90 p. m. O. T. earned.	
8th "	8th year Fireman Rs. 80 p. m. O. T. earned.		Fireman Rs. 100 p. m. O. T. earned.	
1st year	Shunter Rs. 60 p. m. <i>plus</i> O. T. earned		Shunter Rs. 120 p. m. <i>plus</i> O. T. earned.	
2nd "	" 100 " " "		" 130 " " "	
3rd "	" ....		" ....	
1st year	Driver Rs. 115 p. m. <i>plus</i> O. T. earned		Driver Rs. 140 p. m. <i>plus</i> O. T. earned.	
2nd "	" 125 " " " "		" 150 " " " "	
3rd "	" 135 " " " "		" 160 " " " "	
4th "	" 145 " " " "		" 171 " " " "	
5th "	" 155 " " " "		" 180 " " " "	
6th "	" 165 " " " "		" 190 " " " "	
7th "	" 175 " " " "		" 200 " " " "	
8th "	" 175 " " " "		" 210 " " " "	
9th "	" 180 " " " "		" 220 " " " "	
10th "	" Special grade ..		" 220 " " " "	
11th "	" ....		" 230 " " " "	
				Special grade.
12th "	....		....	
13th "	....		....	

NOTE.—Specially selected men from Class III who have completed two years service in the Rs. 175 grade, have good records and are light in fuel consumption, will be eligible for transfer to Class IV and will be rated at Rs. 180 in the latter class. They will then work their way to the maximum of class IV.

#### SUNDAY ALLOWANCES TO THE TRANSPORTATION STAFF ON THE NORTH WESTERN RAILWAY.

2168. **\*Mr. Harchandrai Vishandas :** (a) Will Government be pleased to state if it is a fact that while European, Anglo-Indian and Parsi drivers working on Sundays get double pay, Hindus and Muslims do not ?

(b) If so, are Government prepared to give equal treatment to all the sections ?

(c) If not, why not ?

**Mr. A. A. L. Parsons :** The practice on different lines of giving Sunday allowances to Transportation Staff varies and the Honourable Member has not stated to which particular line he refers. If, however, as



in the case of his previous questions he refers to the North-Western Railway the answers to his questions are :

- (a) European and Anglo-Indian drivers only receive an extra day's pay if they work on Sundays.
- (b) and (c). Indian drivers similarly receive an extra day's pay when they work on holidays applicable to their communities.

#### CLOSING OF RAILWAY GOODS OFFICES ON INDIAN HOLIDAYS.

2169. **\*Mr. Harchandrai Vishindas :** (a) Are Government aware that big commercial houses have their offices closed on Indian holidays and have therefore to suffer hardship by the railway goods offices remaining open on those days, by reason of their liability to demurrage, owing to non-clearance of goods on those days ?

(b) If the reply be in the negative do Government propose to ascertain the views of the mercantile community on this ?

(c) If the reply to (a) is in the affirmative are Government prepared to consider the question of closing the railway goods offices on Indian holidays ?

(d) If not, why not ?

**Mr. A. A. L. Parsons :** (a) Government are aware that railway goods offices are open on Indian holidays, but they are not aware that hardship is generally entailed by this.

(b), (c) and (d). Railway goods offices are now closed for business on 54 days in the year and to close them on all Indian holidays would mean the increase of *dies non* by periods, varying according to provinces, of 17 to 24 days, with a corresponding increase in delays to rolling stock and loss of business. A copy of the question and answer will however be furnished to the Indian Railway Conference Association.

**Mr. Harchandrai Vishindas :** Is it not a fact that Sunday is observed as a holiday in regard to all the communities, being a Government holiday, and the other Indian holidays are regarded as holidays for Indians and Europeans alike ? Is there any discrimination made between Sundays and other holidays as to whether they are Indian holidays or European holidays in public offices ?

**Mr. A. A. L. Parsons :** I can only speak for the Railways, and I am afraid I must ask for notice. I think the practice differs to a certain extent on different Railways.

#### DISTRIBUTION OF FINES REALISED FROM EMPLOYEES ON THE NORTH WESTERN RAILWAY.

2170. **\*Mr. Harchandrai Vishindas :** (a) Is it a fact that fines realized from N. W. Railway employees are distributed among the various social organizations of the Railway employees and public institutions ?

(b) If so, will Government be pleased to state the proportion in which they have been distributed during the last two years between European, Christian and Indian organizations ?

**Mr. A. A. L. Parsons :** (a) Fines realised from railway employees are disbursed as compassionate allowances and as grants to hospitals for sick employees, to schools, recreation clubs, etc.

(b) The information is being obtained and will be supplied to the Honourable Member.

**Mr. N. M. Joshi:** May I ask a supplementary question, Sir? I would like this information to be given to the Assembly, not to the Honourable Member alone.

**Mr. A. A. L. Parsons:** Certainly, Sir.

PROVISION OF LATRINE ACCOMMODATION IN THIRD CLASS COMPARTMENTS INCLUDING SERVANTS' COMPARTMENTS.

2171. **\*Mr. Harchandrai Vishindas:** Have Government provided latrine accommodation in all third class compartments including servants' compartments? If not, why not?

**Mr. A. A. L. Parsons:** Special attention has been given to the provision of latrine accommodation in third class stock and it is now the general practice of railway administrations to provide latrine accommodation in all new passenger stock with the exception of stock designed for short distance and suburban traffic.

The percentage of third class broad and metre gauge carriages fitted with latrine arrangements on all Indian railways is approximately 80 per cent.

Separate figures for servants compartments are not available.

**Mr. Harchandrai Vishindas:** Is it known whether any latrine accommodation is provided in servants' compartments anywhere on any railway lines?

**Mr. A. A. L. Parsons:** I am afraid I do not know, Sir.

**Mr. Harchandrai Vishindas:** You do not know?

**Mr. A. A. L. Parsons:** I personally do not know.

**Mr. Harchandrai Vishindas:** Can an inquiry be made from the railways on this subject? If ordinary third class passengers are provided with latrine accommodation, as is certainly the case, is there any reason why servants should be deprived of that arrangement?

**Mr. A. A. L. Parsons:** I think there might be practical difficulties, but I will make inquiries.

REFUND OF INCOME-TAX CHARGED ON THE TENTAGE ALLOWANCES OF MILITARY OFFICERS.

2172. **\*Mr. W. S. J. Willson:** (i) Is it the case that tentage allowance has long been a right by regulations, namely, certain regulations stating that an officer's pay is made up of various elements one of them being tentage allowance (to save Government the expense of providing and keeping up tents)?

(ii) Is it the case that there is in fact a regulation stating that tentage allowance is *not* liable to income-tax?

(iii) Has the attention of Government been drawn to the article on page 1 of the "Pioneer" of 25th August 1924?

(iv) Is it the case that the Controller of Military Accounts or other authority recently issued instructions to the effect that before an officer

can sustain a claim for exemption from income-tax on that portion of his pay and allowances which is made up of tentage :

- (a) he must sign a certificate either to the effect that he is in possession of camp equipment in good condition, or
- (b) that he has expended a particular sum each month on its upkeep ?

What authority is there for demanding such certificate ?

(v) Was it the practice to demand any such certificate to enable an officer to draw his pay and/or tentage ? Have these certificates only been asked for in support of an exemption from or refund of income-tax ?

(vi) Is it the intention of Government that difficulties should be placed in the way of officers obtaining the refunds to which they are undoubtedly entitled ? Have such refunds been refused for any year prior to 31st March 1923 and are refunds being disputed for the current year ?

**Mr. E. Burdon :** (i) Yes.

(ii) A definite ruling to this effect has recently been issued.

(iii) Yes.

(iv) and (v). The facts are as follows. Until June 1923 it has been the established practice to require all officers to sign a certificate in their pay bills to the following effect ; " Certified that I am in possession of suitable camp equipage." By a circular order, dated the 8th June 1923, this certificate was abolished and officers were required instead to certify in their pay bills that they had spent the whole of their tentage allowance in maintaining tents in the discharge of their duties. The professed object of requiring these certificates was to obtain evidence that the tentage allowance was eligible for exemption from income-tax. The second of the two certificates referred to above, which purported to be based on the provisions of sections 4 (3) (vi) of the Indian Income-tax Act, 1922, has now, that is to say, since July 1924, been abolished and the original form of certificate has been restored.

(vi) Certainly not. Government are about to issue instructions sanctioning the refund of income-tax which has wrongly been charged on tentage allowances during the current year and the years 1922-23 and 1923-24.

**Mr. W. S. J. Willson :** Why only two years, Sir ?

**Mr. E. Burdon :** Refunds, I think, have been sanctioned for the whole period in issue.

#### INDIANS IN THE INDIAN MEDICAL SERVICE HOLDING TEMPORARY COMMISSIONS.

2173. **\*Mr. Chaman Lall :** (a) Will Government be pleased to state the number of Indians holding temporary commissions in the I. M. S., who volunteered before the 11th of November 1918 and the number of actual holders of temporary commissions in the I. M. S. at present ?

(b) Will Government state their reasons for keeping holders of temporary commissions who volunteered during the war, on temporary employment even after several years' service ?

(c) How many of these have held specialists' jobs since their admission as temporary commissioned officers ?

(d) Have any of these been recommended by their O. Cs. for permanent commissions ?

(e) How many of them have been given permanent commissions ?

(f) Is it a fact that the tendency of Government recently has been not to accept a further term of one year's engagement of temporary officers ?

**Mr. E. Burdon :** (a) The number of Indian officers now holding temporary commissions, who joined before the date mentioned by the Honourable Member is 55. The total number of officers at present holding temporary commissions in the Indian Medical Service is 155.

(b) The reason is that permanent appointments are not available and the officers in question are willing to continue to serve with a temporary commission.

(c) Of the total number of officers at present serving with temporary commissions, the number that have held specialist appointments is 13.

(d) In order to furnish the information desired, it would be necessary to examine the files of all the officers who have held temporary commissions. The value of the information to be obtained would not be sufficient to justify the expenditure of time and labour involved.

(e) Of the Indian officers who have held temporary commissions, 98 have been granted permanent commissions.

(f) No, except in so far as the exigencies of retrenchment have rendered this course necessary.

#### SPECIALISTS' APPOINTMENTS FOR INDIANS IN THE INDIAN MEDICAL SERVICE HOLDING TEMPORARY COMMISSIONS.

2174. **\*Mr. Chaman Lall :** (a) Is it true that temporary Indian officers of the I. M. S. in spite of their having held specialists' appointments are not given a chance to work as specialists during peace time ?

(b) Is it a fact that temporary officers when applying for permission to take up special courses such as X-Rays are refused such permission ?

**Mr. E. Burdon :** (a) The answer is in the negative.

(b) Priority must be given to the claims of permanent officers, and as it is not possible to meet all these claims, it has been necessary to refuse the applications of temporary officers.

#### RAILWAY CONCESSION FARES FOR SCHOOL CHILDREN.

2175. **\*Mr. Jamnadas M. Mehta :** (a) Are Government aware that the benefit of concession fares is not allowed by Railway Companies to students attending schools not recognised by Government ?

(b) Are Government aware that the existing rules unnecessarily prejudice nearly sixty thousand students attending *bona fide* institutions ?

(c) Are Government prepared to take immediate steps to remove the anomaly and to place *bona fide* students on a footing of equality so far as concession fares are concerned ?

**Mr. A. A. L. Parsons :** (a), (b) and (c). The Honourable Member is referred to the reply given to Mr. B. Das' Question No. 1904 on 15th September 1924, in this Assembly.

## AMENDMENTS MADE IN THE INDIAN LEGISLATIVE RULES.

2176. \*Mr. A. Rangaswami Iyengar : With reference to the Legislative Department Notification No. F.-112/24-G. of 14th August 1924, published in the Gazette of India of 16th instant will the Government be pleased to state :

- (1) Why the amendments made in the Indian Legislative Rules in March last have been superseded by the present Rules ?
- (2) In what respects the new procedure for re-introduction of motions of legislative measures notwithstanding the previous rejection or postponement thereof by dilatory motions carried by the Assembly, differs from the earlier procedure adopted for the same purpose in March last ?
- (3) Whether any difference has been observed by the Government in principle or method as between the re-introduction of rejected or postponed motions or legislative measures and of rejected or postponed motions on grants in the Assembly and in the Provincial Legislative Councils in the several series of amendments to the Legislative Rules published in Extraordinary Gazette of India since March last ?
- (4) In what order were the rules laid before the Houses of Parliament under section 129-A. of the Government of India Act and whether the Parliament was notified of the supersession of the earlier amendments by the later amendments and of the reasons therefor.

**Sir Henry Moncrieff Smith :** (1) The principal considerations which dictated the revision of the rules made in March last were the following :

- (a) Rule 20A in its original form implied on the face of it that in cases not governed by the rule, it was not open to the Member in charge of a Government Bill to defer moving that the Bill be passed, and also that in such cases it was open to a Member other than the Member in charge to move this motion. The Government of India attached importance to the removal of this implication, and the revised rule, which it may be observed does no more than crystallise established practice, already recognised to some extent in the Standing Orders, has accordingly been drawn in general terms.

- (b) The substitution of existing rule 36A for original rules 36A and 36B effected the following objects :

First, the elimination of the provision for an announcement by the Member in charge that Government proposed to move the Governor General to exercise his personal powers under section 67B of the Government of India Act. This alteration can hardly have taken the Honourable Member by surprise, if he recollects my reply to a question on the subject put by Mr. Neogy on the 19th March last ;

Secondly, the substitution of the formal making of a recommendation by the Governor General as the act involving

the withdrawal of a Bill in respect of which a dilatory motion has been carried ;

Thirdly, the removal of an unnecessary difference of procedure in the case of Bills in respect of which a dilatory motion has been carried, and Bills which the Chamber refuses to take into consideration, refer to Select Committee, or pass.

(2) The original and revised rules are available for the perusal of the Honourable Member, who can draw his own conclusions. The principal differences have been indicated in the reply to (1).

(3) While it is true that the sets of rules to which the Honourable Member refers both involve a departure from the ordinary rule against repetition of motions, they are in no sense *in pari materia*, and the Government of India are of opinion that no question of difference of principle or method arises.

(4) The concern of the Government of India terminated with the formal report by them to the Secretary of State of the various notifications amending the Indian Legislative and Provincial Legislative Rules. They have no knowledge of the procedure which the Secretary of State has followed or will follow in complying with the requirements imposed by section 129A of the Government of India Act.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, what the reason was which induced the Government to eliminate the provision to announce in this Assembly that it was intended to move the Governor General to exercise his certification powers ?

**Sir Henry Moncrieff Smith :** I would ask the Honourable Member to look up the Legislative Assembly debates of the 19th March, to which my answer refers.

**Mr. A. Rangaswami Iyengar :** May I know whether, as far as I am able to understand the answer to the question put by Mr. Neogy, on that occasion, it is intended to suggest that these changes are merely intended to eliminate the announcement of the moving by the Government of India of the Governor General to exercise his power, or whether it is intended to suggest that the Government do not intend to act in the matter of moving the Governor General ?

**Sir Henry Moncrieff Smith :** That was one of the reasons, but if the Honourable Member had followed my answer carefully he would have seen that there were other reasons also. I would suggest that, before he asks any further supplementary questions on that point, he should read the answer which I have just given and of which I will supply him a copy immediately.

#### EMPLOYMENT OF INDIAN CONSULTING ENGINEERS IN CONNECTION WITH PORTS DEVELOPMENT, ETC.

2177. **\*Mr. A. Rangaswami Iyengar :** (a) Has the attention of the Government been drawn to the question and answer No. 3 put and given in the House of Commons on the 22nd July last regarding the claims of Indian Consulting Engineers in respect of contracts and tenders for large engineering works ?

(b) Whether they have received any proposal or offer of services from Dr. B. N. Dey, Consulting Engineer in London with reference to any of the large works in connection with the ports development, bridge or sanitary engineering works in India, and, if so, what action has been taken thereon.

(c) If not, whether the Government propose to avail themselves of his services or recommend his services and of other qualified Indians and Indian firms in connection with the execution of large engineering works in railway bridge, port development works in India ?

**The Honourable Mr. A. C. Chatterjee :** (a) Yes.

(b) Yes. The Government of India having no need of Mr. Dey's services, he was informed accordingly. The question of the employment of consulting engineers on provincial works rests entirely at the discretion of the Local Government or authority concerned.

(c) In so far as civil and irrigation works are concerned, the Government of India retain their own Consulting Engineer, who is a permanent member of the Indian Service of Engineers, selected chiefly for his irrigation experience ; otherwise they have, in general, no need of the services of consulting engineers in India. They do not propose to make any recommendation on the subject to Local Governments or authorities, who have full powers in the matter.

#### RE-OPENING OF POINT CALIMERE AND OTHER MINOR PORTS ON THE SOUTH MADRAS COAST.

2178. **\*Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state :

(a) Whether Point Calimere in South India is the nearest port to Ceylon of all minor ports in South India and is within 30 miles from Jaffna, the chief town of the Tamils in Ceylon ?

(b) Whether this port was closed to passenger and goods traffic by country boats in consequence of an agreement between the South Indian Railway and the British India Steam Navigation Company in order to maintain the traffic earnings of both companies *via* the Danushkodi route ?

(c) Whether the extension of the Tiruturaipundi-Agastiampalli line of the Tanjore District Board Railway to Danushkhodi in order to facilitate the reopening of this coastal traffic with Ceylon, is under consideration and whether any objection has been taken to such project by the South Indian Railway or B. I. S. N. Companies ?

(d) Are the Government of India prepared to direct the reopening of this and other minor ports on the South Madras coast ?

**Mr. A. A. L. Parsons :** (a) It is the nearest port to Ceylon and is about 40 miles from Jaffna.

(b) No. If the Honourable Member has in mind the agreement of 1902 between the South Indian Railway and the British India Steam Navigation Company, in the first place that agreement did not refer to country boats, and in the second place Government are given to understand that steamers never did call at Point Calimere.

(c) No such extension is under consideration.

(d) This part of the question should be addressed to the Government of Madras.

**LORD OLIVIER'S SPEECH IN THE HOUSE OF LORDS REGARDING THE ALLEGED PURCHASE OF VOTES BY THE SWARAJ PARTY IN BENGAL.**

2179. **\*Mr. Chaman Lall :** (a) Are Government aware that the following statement was made by the Secretary of State in the last debate in the House of Lords :

" In that Assembly the Swaraj party, not being able actually to lead or procure a majority of votes for the purpose of embarrassing the Government, organised the purchase for cash of the requisite balances either of votes or abstentions to enable them to win narrow divisions which they did. This fact is notorious " ?

(b) Was the information supplied to the Secretary of State by the Government of India ?

(c) If so, has the Government got any facts to substantiate the charge against the Swarajists ?

(d) If not, are the Government prepared to have these words withdrawn by the Secretary of State ?

**The Honourable Sir Alexander Muddiman :** I have already answered that question.

**Mr. Chaman Lall :** Will the Honourable Member be pleased to lay on the table a copy of the communications which have passed between the Government of India and the Secretary of State on this subject ?

**The Honourable Sir Alexander Muddiman :** I have already given the House full information regarding the particular instance to which the question was directed. I cannot lay anything else on the table.

**Mr. Chaman Lall :** Will the Honourable Member request the Secretary of State, in view of the great feeling in this Assembly on the subject, to make public the sources of information which made him pass those remarks ?

**The Honourable Sir Alexander Muddiman :** I have already said on the last occasion in reply to a supplementary question put by the Honourable Sardar that a copy of the questions and answers will be forwarded to the Secretary of State.

**Lala Duni Chand :** Are Government aware that the Swarajist candidates were either returned unopposed or returned by such an overwhelming majority of votes that that it was impossible to obtain them by improper means ? If this is a fact will Government be pleased to convey the information to the Secretary of State in order to remove his wrong impression ?

**Mr. President :** The questions relating to the election of members of the Swarajist Party do not arise out of this question. It refers solely to alleged bribery by members of the Swarajist Party when they had already reached the Chamber.

**RELEASE OF RAJA RAM CONVICTED IN THE MALAKWAL TRAIN WRECKING CASE IN 1919.**

2180. **\*Mr. Chaman Lall :** Are Government aware that Raja Ram, son of Ganga Ram, goldsmith of Malakwal (Gujrat District), was



convicted by a Court Martial Tribunal at Lahore on the 17th June 1919, to death, for being concerned in the Malakwal train wrecking case ?

(b) Are the Government aware that the sentence was afterwards commuted to transportation for life ?

(c) Are the Government aware that the said convict is undergoing life sentence in Andamans and his number is 43633 ?

(d) Do Government propose to take steps to release him at once ?

**The Honourable Sir Alexander Muddiman :** (a) Yes.

(b) Yes.

(c) Yes.

(d) No.

#### TRAINING OF INDIANS AS RAILWAYS TRAFFIC OFFICERS.

2181. \***Mr. Bhubanananda Das :** Will Government be pleased to state what stage the scheme for training traffic officers required for the Indian Railways at the Sydenham College of Commerce of Bombay has reached and will Government be pleased to lay the scheme on the table for information of the House ?

**Mr. A. A. L. Parsons :** The matter is still under consideration and Government are not in a position to make a statement on the subject.

#### PURCHASE OF RAILWAY STORES THROUGH THE INDIAN STORES DEPARTMENT.

2182. \***Mr. Bhubanananda Das :** In reference to my starred question No. 1332 of June 1924 on the centralization of purchase of stores through the Indian Stores Department, will Government be pleased to state if they have reached the decision to direct different railways in India to make all their purchases through the Indian Stores Department ?

**Mr. A. A. L. Parsons :** The Honourable Member is referred to the reply given in this Assembly to parts (f) and (g) of Mr. Neogy's question on the same subject.

#### GOVERNMENT PURCHASES OF IRON AND STEEL FROM INDIAN MANUFACTURERS.

2183. \***Mr. Bhubanananda Das :** In reference to the assurance given by the Honourable Member for Industries in reply to my starred questions Nos. 1334-35 of June 1924, that Government would give due consideration after the Tariff Act was passed to the question whether the Government of India would make all their purchases of iron and steel from Indian manufacture, will Government be pleased to state their final decision and present practice on this question ?

**The Honourable Mr. A. C. Chatterjee :** The attention of the Honourable Member is invited to the Rules for the supply of articles for the public service which were promulgated with the Resolution by the Government of India in the Department of Industries and Labour, dated the 6th May 1924, and a copy of which will be found in the Library. The passing of the Steel Industry (Protection) Act does not necessitate any change in the policy of the Government of India as enunciated in the preamble to the Rules.

FRANCHISE FOR WOMEN.

2184. **\*Mr. Bhubanananda Das :** (a) Have Government considered the suggestion of the President of the Reforms Inquiry Committee to Mrs. Deep Narain Singh while giving evidence regarding Women Franchise that the rules can be altered to entitle women to vote and stand for the Councils and Assembly ?

(b) Are Government prepared to take immediate steps to amend these rules so that there will be no sex disqualification for women of India ?

**The Honourable Sir Alexander Muddiman :** So far as I am aware the President of the Committee made no such suggestion. Government do not propose to take any immediate steps in the matter.

SUBMISSION OF STATEMENT OF EARNINGS BEYOND THEIR LAWFUL SALARIES BY TICKET COLLECTORS OF THE N. W. RAILWAY, KARACHI DISTRICT.

2185. **\*Mr. Harchandrai Vishindas :** (a) With reference to the answer to my question No. 1160, dated 2nd June last, are Government aware that the D. T. S. Karachi somewhere in the beginning of 1923 wrote to the station master, Kotri, pointing out that some ticket collectors mentioned by name did not earn enough to cover their pay and therefore they did "not justify their existence" and that "those who do not cover the Railway expenses will be dispensed with by the Railway" ?

(b) If so, will Government be pleased to state how they reconcile this with their answer "There is no question of these collections having to reach a particular figure on pain of punishment" ?

(c) If so, do Government propose to direct the cancellation of such directions as are mentioned in part (a) ?

(d) If not, why not ?

**Mr. A. A. L. Parsons :** (a), (b), (c) and (d). Government have no information, but are making inquiries.

REFUSAL OF GOVERNMENT TO LAY OFFICIAL CORRESPONDENCE ON THE TABLE.

2186. **\*Mr. Harchandrai Vishindas :** (a) Is it a fact that the Government have made it a uniform practice to refuse to lay on the table correspondence between them and the Secretary of State or with any Government Department whenever asked by the Members of the Assembly to do so ?

(b) If not, will Government be pleased to take the statistics of any one of the years 1923, or 1924 as far as it has gone to show the total number of such requests and the number of compliances ?

**The Honourable Sir Alexander Muddiman :** (a) Considerations of Public or State interest sometimes necessitate the withholding of papers from publication. Each request is dealt with on this principle alone.

(b) The Honourable Member will find the information he requires in the published proceedings of the House.

**Mr. Harchandrai Vishindas :** Which published proceedings ? Might I inquire of any particular year ? Have I to go into the proceedings of all years ?

**The Honourable Sir Alexander Muddiman :** So should I.

# CONDITIONS OF DECK PASSENGER TRAFFIC IN NATIVE PASSENGER SHIPS, ETC.

2187. \***Mr. N. M. Joshi** : Will Government be pleased to state whether their attention has been drawn to an article on " Indian Labour in Burma " by Mr. C. F. Andrews, published on page 288 in the *Young India* of August 28th, 1924, wherein he states :

" In Malaya the planters all agreed with me that the voyage conditions are inhuman. But they said : ' What are we to do ? The Government of India Shipping Act allows these conditions ' " ?

(b) Will Government be pleased to state what they propose to do to remedy this state of things ?

(c) Will Government be pleased to state what steps they have taken to give effect to the recommendations of the Deck Passengers Committee ?

**The Honourable Sir Charles Innes** : Government have seen the article.

(b) and (c). As the Honourable Member is aware, the whole question of improving the existing conditions of deck passenger traffic in Native Passenger Ships has been investigated by the Deck Passenger Committee. The views of Local Governments and Chambers of Commerce on the Committee's recommendations have been obtained and are now under consideration. Any legislation that may be necessary will be probably included in the general revision of the Indian Merchant Shipping Act, which is now being undertaken.

**Mr. N. M. Joshi** : May I ask when this legislation will be undertaken ?

**The Honourable Sir Charles Innes** : I cannot say, but we are working at it as best we can.

**Mr. N. M. Joshi** : May I remind the Government that a long time has passed since the Deck Passenger Committee's report was published ?

**The Honourable Sir Charles Innes** : May I remind the Honourable Member that the question raised is an extremely difficult and complicated one ?

## LEAVE OF LOWER CLASS EMPLOYEES ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

2188. \***Mr. N. M. Joshi** : (a) Will Government be pleased to state whether they are aware of the fact that there is a good deal of discontent among the lower class employees in the B. B. and C. I. Railway owing to the fact that while the subordinate staff of the Railway such as station masters, guards, drivers, clerks, etc., get all kinds of leave such as privilege leave (30 days), casual leave and sick leave in addition to the gazetted holidays, they get only 15 days' privilege leave and no other leave and are at times required to work even on gazetted holidays ?

(b) If so, what steps they have taken or propose to take to remove this complaint of the lower class employees ? If not, will they inquire into the matter and announce the result of their inquiry ?

**Mr. A. A. L. Parsons** : (a) and (b). Government are not aware of any discontent prevailing among the lower class employees of the Bombay, Baroda and Central India Railway in the matter of their leave, and do not propose to initiate any inquiries. They are confident that the Agent is fully in touch with the position. The Honourable Member is, however,

referred to the reply given to him on 2nd July 1923 in regard to a similar inquiry.

UNIFORMITY IN LEAVE RULES ON RAILWAYS.

2189. \***Mr. N. M. Joshi** : Will Government be pleased to state the result of their inquiry in respect of securing uniformity in leave rules on Railways, which, they assured the House in July last was under contemplation ?

**Mr. A. A. L. Parsons** : I cannot discover that any such assurance was given by Government. In July 1923 the Honourable Member was informed that the question of revising leave rules for all railway employes with a view to bringing them more into accord with conditions of employment in other industrial concerns was under consideration. This question is still under discussion with railway administrations.

APPOINTMENT OF INDIANS AS FOREMEN ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

2190. \***Mr. N. M. Joshi** : Will Government be pleased to state whether it is a fact that all the foremen in the B. B. and C. I. Railway workshops and officers are Europeans ? If so, will they state whether any attempts were ever made to appoint Indians to these posts ? If not, why not ?

**Mr. A. A. L. Parsons** : Yes, that is so, but the railway have three Indian foremen in their running department and one Indian under training for the superior grade.

TRICHINOPOLY-VILLYPURAM RAILWAY.

2191. \***Dewan Bahadur M. Ramchandra Rao** : Will the Government be pleased to state whether the construction of the Trichinopoly-Villypuram chord line will be proceeded with in the course of this official year or whether any orders have been passed postponing this line indefinitely ?

**Mr. A. A. L. Parsons** : No orders have been passed postponing indefinitely the construction of this railway. The revision of the estimate has become necessary and a revised estimate is now under consideration by the Railway Board. It is not possible at the moment to say when construction will be commenced.

OPENING OF A LOCAL HEAD OFFICE OF THE IMPERIAL BANK OF INDIA EITHER AT LAHORE OR AT DELHI.

2192. \***Mr. Bhubanazanda Das** : (a) Is it a fact that Calcutta is at present the local head office of the Imperial Bank for the Punjab, and that there has been an increase in the number of branches of the Bank in that Province ?

(b) Do Government propose to draw the attention of the Governors of the Bank to the desirability of having a new local head office either at Lahore or at Delhi so as to enable the Bank to look after the banking interest of that Province ?

**The Honourable Mr. Basil Blackett** : (a) The reply is in the affirmative.

(b) The opening and location of new local head offices is primarily a matter for the discretion of the Central Board though such opening is subject to the previous sanction of the Governor General in Council. The suggestion implied in the Honourable Member's question will be conveyed to the Central Board. I may add that I believe that some steps have actually been taken with a view to meeting the point raised in the question.

**TERMINATION OF THE SERVICES OF CERTAIN EMPLOYEES OF THE EAST INDIAN AND G. I. P. RAILWAYS ON THE STATE TAKING OVER THE MANAGEMENT OF THESE LINES.**

2193. \*Lieut.-Colonel H. A. J. Gidney : (a) Is it a fact that the Government of India issued a memorandum from the Railway Board to the Agent, E. I. Railway, as published in the E. I. Railway Gazette, dated 10th July 1924, of which paragraph 2 reads as follows :

" With few exceptions the Government of India are anxious to obtain the services of the existing permanent staff of the East Indian Railway Company when the Railway comes under State management. Intimation has already been sent individually to those members of the existing permanent staff whose services the Government of India regret that they will not require after the 31st December 1924 ; and they have been informed that it will be open to them to take any leave admissible to them after that date under the Company's rules, and that they will remain under the existing East Indian Railway leave, provident fund, and gratuity rules until the final termination of their service under the Company."

(b) Will the Government be pleased to state, if when the Great Indian Peninsula Railway is taken over by the Government of India and worked as a State line, the existing permanent staff of the Great Indian Peninsula Railway, whose services the Government will not require, either because of their age being over 53 years, on 1st July 1923, or for other reasons, will be similarly granted all leave due to them and will remain under the existing Great Indian Peninsula leave, provident fund and gratuity rules, after the 30th June 1925, until the termination of their service ?

(c) If the answer to question (b) is in the affirmative, are Government prepared to issue instructions through the Railway Board to the Agent, Great Indian Peninsula Railway, to publish such information in the Great Indian Peninsula Railway " Weekly Notices ", as has been done on the East Indian Railway ?

(d) If the answer to question (b) is in the negative, will the Government be pleased to give reasons for difference of treatment regarding leave, etc., of the East Indian Railway and Great Indian Peninsula Railway employees, when these Railways are taken over by the Government ?

Mr. A. A. L. Parsons : (a) Yes.

(b) The question is still under consideration.

(c) and (d) In view of the reply given to (b) above the questions do not arise.

Mr. K. C. Neogy : With reference to (a), will the Honourable Member state how many Indians in the officers' grades have been served with notice terminating their services, and what proportion they form to the total number of Indians employed in these grades in the E. I. Railway ?

The Honourable Sir Charles Innes : I have not got the information absolutely in my mind, but I think that the figure is somewhat as follows. I think that we are terminating the services of about 6 or 7 officers on this Railway when we take it over, and of those I think about half are Europeans

and half are Indians. As regards the latter part of the question, I am afraid I cannot give the information offhand and the Honourable Member must put down a question on the subject.

**Lieut.-Colonel H. A. J. Gidney :** May I ask a supplementary question ? Will the Honourable Member in charge kindly inform me, with reference to his reply that the matter is still under consideration, in view of the fact that those officers who will be affected by their decision are desirous of making timely arrangements for taking the leave that is due to them, when do the Government think they will have finished considering this matter and arrive at a decision ?

**Mr. A. A. L. Parsons :** We are going to discuss the matter with the Agent in the course of the next week or ten days.

**ALLEGATIONS AGAINST COLONEL E. T. CARWITHEN, LATE CANTONMENT MAGISTRATE, AMBALA.**

2194. **\*Haji Wajihuddin :** (a) Are the Government aware that a complaint under section 168, Indian Penal Code, was made by one Pandit Ramkishan against Pandit Shugan Chand, head clerk of the Ambala Cantonment office ?

(b) Is it a fact that in course of the prosecution evidence, a formal stamped deed of partnership was produced in which Colonel E. T. Carwithen, late Cantonment Magistrate, Ambala, Pandit Shugan Chand and one Hira Lal agreed to carry on business as partners under the name of "Hira Lal & Co." ?

(c) Will the Government quote some rule or precedent under which a Cantonment Magistrate can carry on trade in partnership with his head clerk ?

(d) Are the Government aware that Colonel Carwithen sanctioned several applications for buildings in Ambala Cantonment without referring the same to the Cantonment Committee ?

(e) Is it a fact that this very Cantonment Magistrate gave permission to his head clerk Pandit Shugan Chand to engage in trade and that this permission has been given on the head clerk's application not registered in the office and bearing number and date ?

(f) Will the Government state if a Cantonment Magistrate is authorised to give such permission to his subordinate and if so, under what law ? If not, what action they propose to take against Col. Carwithen ?

(g) Are Government prepared to hold an inquiry into the matter ?

**Mr. E. Burdon :** (a) Yes.

(b) Yes.

(c) There is no such rule or precedent.

(d) Yes.

(e) In the order passed in the case referred to in part (a) of the question, the magistrate stated as follows :

"The accused has produced the original order of the Cantonment Magistrate granting him sanction to engage in trade, which is recorded on his application dated the 10th July 1919. \* \* \* It is true that although the accused's application for the sanction is dated, the sanction is not so dated."

The Government of India have no further information on the point.

(f) and (g). The permission given was irregular. An inquiry has already been held. Colonel Carwithen was severely censured in respect of the matter mentioned in part (b) of the question and has retired from the service.

Government do not propose to take any further action as regards him.

CASE OF PANDIT SHUGAN CHAND, HEAD CLERK, AMBALA CANTONMENT OFFICE.

2195. \*Haji Wajihuddin : (a) Has the attention of the Government been drawn to the judgment of Chaudhri Sardar Khan, magistrate, 1st Class, Ambala District, in the case, Pandit Ramkishan *versus* Pandit Shugan Chand, head clerk, Ambala Cantonment Office, complaint under section 168, Indian Penal Code ?

(b) Is it a fact that in the above case the accused Shugan Chand has been acquitted on the technical ground that he being a *Government servant* was not legally bound not to engage in trade ?

(c) Are the Government aware that the magistrate has declared the offence to be a breach of departmental rules not coming within the purview of the judicial court, but to be dealt with by Executive Officers in the departmental manner ?

(d) Is it a fact that the All-India Cantonment Association brought this aspect of the case to the notice of the Government, *vide* its letter No. 518-A, dated 20th October 1922 ?

(e) Is it a fact that the Government have declined to take any departmental action against Pandit Shugan Chand for the present, *vide* Secretary, Army Department, letter No. 27522/2 (A.D.), dated 28th May 1924 ?

(f) Will the Government be pleased to state the reasons for their not taking any notice of the matter ?

Mr. E. Burdon : (a) Yes.

(b) The magistrate held that the accused was not a Government servant. He was acquitted on the ground that no case had been made out under section 168, Indian Penal Code.

(c) No. The magistrate made no such declaration. What he did say was that " public servants transgressing departmental rules against trading are only liable to departmental punishment."

(d) If the Honourable Member is referring to the letter from the All-India Cantonments Association, No. 518-A, dated the 20th October 1922, the Government of India are aware that in that letter it was urged that the head clerk should vindicate his character in a court of law.

(e) Yes.

(f) The principal reason is that the civil suit instituted by Pandit Shugan Chand is still pending.

PROHIBITION OF TRADING BY GOVERNMENT SERVANTS.

2196. \*Haji Wajihuddin : (a) Are the Government aware that under Rule 15 of the Government Servants Conduct Rules published by

the Government of India, no Government servant can engage in trade without the permission of the Local Government ?

(b) Are the Government aware that in a criminal complaint under section 168, Indian Penal Code, filed by Pandit Ramkishan against Pandit Shugan Chand, head clerk, Ambala Cantonment office, the trying magistrate has held that the above rules being not a legislative enactment are not legally binding upon the accused ?

(c) Are the Government aware that under Q. M. G. letter No. 4800-3 (Q.M.G.-4), dated the 28th October 1914, all Cantonment Fund Servants are treated as public servants and are liable to the restrictions imposed upon such servants by the rules framed by the Government ?

(d) Do Government propose to take any steps regarding the above finding of the Magistrate ?

**Mr. E. Burdon :** (a) Yes.

(b) Yes.

(c) Cantonment Fund servants are held to be public servants but not Government servants. It is only to this latter class of servants that the Government Servants' Conduct Rules apply.

(d) No. But I may mention that the preparation of rules under the new Cantonments Act to regulate the conduct of cantonment servants is in hand.

PROSECUTION OF LEKHRAJ, A SHOPKEEPER OF SUBATHU, FOR SELLING COAL AT A HIGHER PRICE THAN THAT REGISTERED IN THE CANTONMENT MAGISTRATE'S OFFICE.

2197. **\*Haji Wajihuddin :** (a) Is it a fact that Col. Lawrenson while Cantonment Magistrate, Kasauli, prosecuted one Lekhraj, son of Raghoo, a shopkeeper of Subathu, for selling coal at a rate higher than one registered in the Cantonment Magistrate's office ?

(b) Is it a fact that the prosecution was directed under section 173 (m) (4) of Cantonment Code, 1912 ?

(c) Are the Government aware that there is no sub-clause (4) to clause (m) of section 173, quoted above ?

(d) Will the Government be pleased to inquire why the prosecution was launched under section 173 (m) (4) when it did not exist at all ?

(e) Is it a fact that the said Lekhraj was fined twice for the above alleged offence ?

(f) Will the Government kindly state what the registered rate of coal was in the office of the Cantonment Magistrate and how was this rate arrived at and were the dealers in coal consulted ?

(g) Are the Government aware that the rate varies with quality ?

(h) Did the Cantonment Magistrate verify that the quality of the coal was the same for which the rate was fixed in the Cantonment Magistrate's office.

(i) Will the Government state if selling of coal at higher rate was at all punishable under the Cantonment Code, 1912 ? If so, will it please quote the rule or the section on the point ?

**Mr. E. Burdon :** The information desired by the Honourable Member is being obtained from the local military authorities and will be communicated to him as soon as it is received.



**LEGAL EXPENSES OF PANDIT SHUGAN CHAND, HEAD CLERK, AMBALA CANTONMENT.**

2198. \*Haji Wajihuddin : (a) Is it a fact that the Government have granted Rs. 3,000 to Pandit Shugan Chand, head clerk, Ambala cantonment, to bring a suit of damages against certain local office-bearers of the All-India Cantonments Association ?

(b) Will the Government state on what grounds the grant has been paid and if the Cantonment Fund can be used for such purposes ?

(c) Will the Government quote the law that authorises such expenditure from the Cantonment Fund ?

(d) Is it a fact that the Government directed Pandit Shugan Chand to institute a case at Simla instead of at Ambala where the parties concerned reside ?

(e) If so, what special reasons were there to issue instructions to Pandit Shugan Chand ?

Mr. E. Burdon : (a) The legal expenses of the head clerk, up to Rs. 3,000 were guaranteed by the Cantonment Committee, Ambala, on certain conditions, and this action of the Committee was subsequently approved by the Government of India.

(b) Pandit Shugan Chand being a Cantonment Fund servant, the Cantonment Authority considered it desirable in the interests of cantonment administration that he should be given facilities to vindicate his character in a court of law. The reply to the second part of the question is in the affirmative.

(c) Section 29 (1) (p) of the Cantonment Code, 1912.

(d) No.

(e) Does not arise.

**" CORPORATION SOLE " IN CANTONMENTS.**

2199. \*Haji Wajihuddin : (a) Are the Government aware that since 1st May 1924, there is " Corporation Sole " in many important cantonments of India ?

(b) Is it a fact that under this arrangement, the Officer Commanding a Station is carrying on the cantonment administration on his own sole responsibility ?

(c) Are the Government aware that this arrangement has given rise to great discontent and legitimate grievances in the cantonment ?

Mr. E. Burdon : (a) Cantonment Boards have been formed in most of the cantonments in which the Governor General in Council has ordered that a Board shall be constituted except in the Punjab, Bihar and Orissa, Bengal and the Central India Agency. In these areas, the Government of India understand, the elections will take place at various times during the months of October, November, and December, 1924, and the Boards will then be constituted. In those cantonments in which a Board has not yet been formed, the cantonment authority is a Corporation Sole.

(b) The Officer Commanding the Cantonment exercises the powers of the cantonment authority in those cantonments in which a board has not yet been constituted, and as such, he is responsible for the administration

of the cantonment in accordance with the Cantonments Act to the same extent as a cantonment board.

(c) The Government of India are not aware that the position is as stated by the Honourable Member. The phase to which he refers is transitional.

#### ELECTIONS IN CANTONMENTS.

2200. \***Haji Wajihuddin** : (a) Is it a fact that certain Provincial Governments have fixed 'elections' for cantonments in November with the result that the "Corporation Sole" is likely to continue up to the end of the year?

(b) Are the Government prepared to take steps to direct Local Governments to hold elections much earlier than November and end the "Corporation Sole"?

(c) Do the Government propose to consider the desirability of appointing an Advisory Board of four non-official residents of a cantonment for the help and guidance of the "Corporation Sole" so long as it may be necessary to maintain it?

**Mr. E. Burdon** : (a) I invite the attention of the Honourable Member to the reply which I have given to part (a) of his immediately preceding question.

(b) The Government of India have pointed out to Local Governments the importance of constituting cantonment boards as early as possible, but they cannot tie Local Governments down to any particular date in respect of these first elections.

(c) The Government of India do not propose to take the action indicated. It would not be in accordance with the Act to do so.

#### COLLISIONS ON THE NORTH WESTERN RAILWAY.

2201. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : (a) Are the Government aware that collisions of trains are often happening on the N. W. Railway?

(b) Will the Government please state how many collisions took place during the last 5 years, and what was the damage done on account of loss of life and property in each case?

(c) How many of these collisions took place on the lines where the double line system existed?

**Mr. A. A. L. Parsons** : (a) The answer is in the negative.

(b) and (c). During the 5 years ending 31st March, 1924, there were on the North Western Railway 37 collisions, serious and otherwise, in which trains carrying passengers were involved. In these collisions 28 persons were killed and 170 injured. The information asked for in the remainder of the question could not be obtained without the expenditure of excessive time and labour and in view of the answer to the Honourable Member's next question it does not seem necessary to collect it.

#### DOUBLE LINE SYSTEM ON RAILWAYS.

2202. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that on the lines where there is no double line system, the collisions

occur more frequently than on the lines where the double line system exists ? If so, does the Railway Board contemplate to provide double lines on such of the lines where no double line system exists ?

**Mr. A. A. L. Parsons :** There is obviously less likelihood of " head-on " collisions where double line working is in force than in the case of single lines.

The answer to the second part of the question is in the negative. Double lines are only constructed, where there is sufficient traffic to justify them. It would not be practicable to provide double lines everywhere, irrespective of the volume of traffic to be moved.

#### RAILWAY DISASTER NEAR HARAPPA ON THE NORTH WESTERN RAILWAY.

2203. **\*Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Are the Government aware of the recent collision of passenger trains which took place on the night of the 28th August 1924 on the main line from Lahore to Khanewal between Harappa and Mirdad Mafi ? If so, what were the real causes of such collision and what relief has been given or is proposed to be given by the Railway Board to the sufferers ?

**Mr. A. A. L. Parsons :** The Honourable Member is referred to the reply given in this Assembly on 10th September 1924, to Diwan Bahadur M. Ramachandra Rao's question.

#### CREMATION OF BODIES OF PERSONS KILLED IN RAILWAY COLLISIONS.

2204. **\*Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that after railway collisions the corpses and remains of all the travellers whose lives are lost in the collisions are burnt up by the Railway authorities irrespective of caste or creed while no heed is paid to the religious customs under which corpses of various sects should be treated. If so what are the circumstances which lead to such undesirable treatment of the corpses which seriously hurts the religious feelings of the Indians ?

**Mr. A. A. L. Parsons :** The answer to the first part of the question is in the negative, and the second part of the question does not therefore arise.

#### SUPERVISION OF FIRST CLASS RAILWAY REFRESHMENT ROOMS.

2205. **\*Sardar Bahadur Captain Hira Singh :** (a) Will Government be pleased to state what the arrangements are for the supervision of first class refreshment rooms on State and other railways ?

(b) Are they aware that the meals supplied, even when notice has been given, consist mainly of tinned fish and other tinned foods, rancid butter and impure milk, etc. ?

(c) Will Government consider the feasibility of advising the railway administration to inform passengers of the action taken on their complaints in this connection ?

(d) Are Government prepared to consider the desirability of having a general complaint book on railway stations in which the travelling public may record complaints of neglect, incivility, attempts at extortion, etc. on the part of railway servants ?

**Mr. A. A. L. Parsons :** (a) Government understand that the general practice is that first class refreshment rooms are supervised and regularly inspected by officers of the Traffic Department, Station Masters, and special Inspectors appointed for this purpose.

(b) No.

(c) and (d). Government will bring these suggestions to the notice of Railway Administrations.

EMPLOYMENT OF DEMOBILISED INDIAN OFFICERS AND SOLDIERS.

2206. **\*Sardar Bahadur Captain Hira Singh :** (a) Will Government be pleased to state what has been the result of the circulars issued by Government to the civil, railway and other administrations in regard to the preferential employment of demobilized Indian officers and soldiers ?

(b) Are they aware that for the most part these circulars have been completely ignored ?

(c) Do the Government propose to take any further action in the matter to bring the circulars in force ?

**Mr. E. Burdon :** (a) The number of Indian *ex*-soldiers who were employed by Local Governments and Administrations during 1922 and 1923 was 10,731 and 8,492, respectively.

(b) In the face of these figures the Government of India do not consider that the circulars on the subject have failed of their effect.

(c) The Government do not propose to take any further action of a specific kind at present. The matter receives constant attention from the Indian Soldiers' Board and the cognate provincial organisations.

INCONVENIENCES TO PASSENGERS AT DEEGHA GHAT ON THE EAST INDIAN RAILWAY.

2207. **\*Khan Bahadur Sarfaraz Hussain Khan :** (a) Are Government aware of the fact that owing to the want of sheds and of proper lighting arrangements on the road from the present steamer ghat to where the train stops at Deegha Ghat, E. I. R. (B. and O.) which is a pretty long distance, passengers are put to great inconvenience, specially in the nights and when it rains.

(b) If so, do they propose to issue necessary instructions to the Railway authorities concerned, to make such arrangements as to remove the inconvenience of the travelling public ?

**Mr. A. A. L. Parsons :** (a) and (b). Government have no information, but the question will be communicated to the Agent.

The Railway Board understand that matters of this kind form the subject of discussion by the Agent with his Local Advisory Committee.

INCREASE OF PAY OF SUPERINTENDENTS OF POST OFFICES.

2208. **\*Khan Bahadur Sarfaraz Hussain Khan :** (1) Is it a fact :

(a) that there are 181 Superintendents of Post offices in the whole of India and Burma, and among these 181 officers is apportioned the supervision and control of 16,463 head; sub, and branch post offices ?

(b) that the present minimum, and present maximum pay of the Superintendents of Post offices is Rs. 250 and Rs. 700, respectively.

(c) that the present minimum pay and present maximum pay of the Superintendents of Excise is Rs. 300 and Rs. 850, respectively.

(2) If the facts stated in (b) and (c) are correct, are the Government prepared to consider the desirability of increasing the scale of pay, of the hard-worked Superintendents of Post offices ?

(3) If not, will Government please give reasons ?

**The Honourable Mr. A. C. Chatterjee :** (1) (a) Yes.

(b) Yes.

(c) The pay of Superintendents of Excise is not uniform in all provinces. In some provinces the minimum, the Government of India understand, is Rs. 250, while the maximum appears to vary between Rs. 600 and Rs. 1,100.

(2) and (3). The pay of Superintendents of Post Offices was last revised with effect from 1st December 1919, and Government are not at present prepared to consider any further increase.

#### CASE OF JYOTISH CHANDRA GHOSH, STATE PRISONER IN BENGAL.

2209. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to a memorial published in the *Amrita Bazar Patrika*, dated the 31st August 1924, from the mother of Mr. Jyotish Chandra Ghosh, M.A., who has been deported under Regulation 111 of 1818, and addressed to H. E. the Governor of Bengal ?

(b) Are the facts stated therein substantially correct ? When was he arrested under this Regulation ?

(c) Where is the deportee confined at present ; and what is the condition of his health ?

(d) What books and magazines are allowed to him to read ?

(e) Is it a fact that the deportee was the only earning member of his family ; and that his family has been reduced to dire straits since his deportation ?

(f) What monthly allowance has been given to his family ; and since when ? What is the total amount paid up to date ; and when was the last payment made to the family ?

**The Honourable Sir Alexander Muddiman :** (a) Government have seen the memorial referred to.

(b) Government have no information regarding the truth of some of the statements contained therein. As regards the facts which are within the cognizance of Government I give in reply to the latter parts of the question such information as Government are prepared to give. The Honourable Member was informed by my predecessor on the 1st February 1924 that the detention of Jyotish Chandra Ghosh dates from 25th September 1923.

(c) Government are not prepared to state where this prisoner is confined, as it would not be in the public interests that I should do so.

He is in very good health as appears from a telegram I received on the 13th of this month.

(d) He is allowed to read any suitable books, newspapers and magazines.

(e) I am informed that the détenu made no contribution to the support of his family.

(f) Rs. 30 per month. I may say that the payment of the allowance is not in arrears. It has been paid up to date.

**Mr. Chaman Lall :** Does the Honourable Member consider Rs. 30 an adequate allowance ?

**The Honourable Sir Alexander Muddiman :** I think it is a liberal allowance ; considering he did not contribute to his family when at liberty.

### UNSTARRED QUESTIONS AND ANSWERS.

#### COLLECTION OF CUSTOMS DUTY BY THE POST OFFICE.

399. **Mr. N. C. Kelkar :** Will Government be pleased to state what amount of custom duty has been recovered through the Post Office during the last three years and what is the estimated cost of recovering the charges ? Whether the Post Office has to suffer any dead loss in these transactions ? If so, up to what extent ? Is any credit given to the Post Office for collection of custom duty through its agencies ?

**Mr. H. A. Sams :** With respect to the first part, the figures are :

<i>Amount of customs duty collected by the Post Office.</i>			
			<i>Ra.</i>
1921-22	..	..	71,20,685
1922-23	..	..	77,61,984
1923-24	..	..	72,02,165

Estimated annual expenditure of the Post Office and account of the collection of customs duty : Rs. 2,34,000.

Estimated revenue from the charge of 4 annas per parcel : Rs. 1,40,000.

With respect to the rest of the question, arrangements have been made for credit to be given to the Post Office by the Customs Department.

#### PROFITS EARNED BY THE POST OFFICE ON ACCOUNT OF THE SAVINGS BANK AND CASH CERTIFICATES.

400. **Mr. N. C. Kelkar :** (a) What is the total amount of profit earned by the Government from the working of the Post Office Savings Bank and Post Office 5-year cash certificates, during the last 10 years, after deducting the actual or estimated cost of working the branches ?

(b) Whether the Post Office is credited with any share of this net profit and if so, to what extent ?

**The Honourable Sir Basil Blackett :** (a) As regards the amount of profit, I would invite the Honourable Member's attention to the reply

given by me to starred question No. 342 appearing on page 4864 of the Legislative Assembly Debates of the 23rd July 1923. That reply applies equally to Savings Banks and Cash Certificate transactions.

(b) On this point, the Honourable Member will no doubt have read paragraph 1 of the note appearing on page 3 of the volume of detailed statements in support of the Posts and Telegraphs Demands for Grants for the current year.

#### WORKING CHARGES OF THE POST OFFICE SAVINGS BANK.

401. **Mr. N. C. Kelkar :** Do the working charges of Post Office Savings Bank shown in para. 37, page 14 of the annual report of Post and Telegraph for the year 1922-23, include the cost of work done in connection with the purchase, sale and safe custody of Government Securities ?

**Mr. H. A. Sams :** The answer is in the affirmative.

#### SORTING OF THE INWARD FOREIGN MAIL AT THE POONA POST OFFICE.

402. **Mr. N. C. Kelkar :** (a) Is it a fact that some of the officials of the Poona post office have to attend office to sort the weekly inward foreign mail at odd hours of the night from a distance of over 2 miles, in addition to doing their own usual daily work ?

(b) If the answer to the above query be in the affirmative do the staff get no additional remuneration for the additional work ?

(c) Do the postal staff in Bombay, Rangoon and Calcutta post offices get remuneration for similar additional service done under similar circumstances and, if so, why has the staff of the Poona post office been discriminated against ?

**Mr. H. A. Sams :** (a) Yes.

(b) No additional remuneration is granted.

(c) It is only at Bombay that overtime pay is granted in connection with the sorting of the inward foreign mail. The case of the staff at Poona is engaging my attention.

#### GRANT OF CONVEYANCE ALLOWANCE TO POSTAL OFFICIALS IN THE POONA DIVISION.

403. **Mr. N. C. Kelkar :** (a) Do the officials of Kirkee, Kirkee Bazar and North Yeravada post offices in the Poona Division have to attend their office from a distance of 4 miles there being no residential quarters available at or near the post offices ?

(b) Do these officials get any conveyance allowance ?

(c) Is it a fact that the Local Government have sanctioned conveyance allowance for their subordinates working in those localities under similar circumstances and, if so, why has not the same allowance been granted to the officials of the post office ?

**Mr. H. A. Sams :** (a) Yes.

(b) No.

(c) Yes, for subordinates of the Education Department. The case of the postal officials will receive consideration.

INDIAN INSTITUTE OF SCIENCE, BANGALORE.

404. **Mr. N. C. Kelkar** : Will Government give detailed information as to the effect that has so far been given as also the effect that yet remains to be given to the recommendations made in its report by the special Committee on the Indian Institute of Science, Bangalore, in December 1921 ?

**The Honourable Mr. A. C. Chatterjee** : The scheme for the administration and management of the properties and funds of the Indian Institute of Science, Bangalore, was published as an enclosure to a Vesting Order, dated the 27th May 1909 issued by the Governor General in Council under sections 4 and 7 of the Charitable Endowments Act (1890) and was published in the Gazette of India, dated the 29th May 1909. By regulation 44 of the scheme no change can be made in its provisions without the consent of the surviving donor. By regulation 19 the Council is declared to be the executive body of the Institute and the subsequent regulations vest the general management and administration of the Institute in the Council. By regulation 39 the Board of Management is charged with the management and administration of the endowment properties.

2. The Governor General in Council has been advised that the members of the Council and of the Board of Management are the persons acting in the administration of the Trust, within the meaning of section 6 of Act VI of 1890, and consequently they or a majority of them are the proper persons to make an application under section 6 (1) (a) for any modification of the scheme. The recommendations submitted by the Committee referred to in the Honourable Member's question involve considerable modifications in the present scheme of management and after prolonged discussion with all the parties interested, a draft revised scheme was drawn up by the Government of India who await a formal application for a modification on the lines of the draft from the parties legally competent to make the application. Until these parties come to a mutual agreement and the necessary application is received the Government of India cannot take any further action.

INSTITUTION OF CRIMINAL PROCEEDINGS AGAINST THE DIRECTORS AND MANAGERS OF THE ALLIANCE BANK OF SIMLA.

405. **Mr. K. Rama Aiyangar** : (a) Have Government seen the resolution passed at a meeting of the creditors and shareholders of the Alliance Bank by an overwhelming majority asking Government to forthwith institute prosecution of the Directors and Managers responsible for the mismanagement and losses that led to the failure of the Bank ?

(b) Will Government be pleased to state whether they propose to institute a preliminary investigation with a view to criminal proceeding against the parties mentioned in the creditors' report ?

**The Honourable Sir Alexander Muddiman** : (a) Yes.

(b) I invite the Honourable Member's attention to the reply given by me to Mr. Bhubanananda Das's starred question No. 1869.

THE LOCOMOTIVE INDUSTRY AND OFF-SETTING DUTIES.

406. **Mr. K. Rama Aiyangar** : (a) Will Government be pleased to state whether they propose to institute an inquiry into the locomotive position in India as desired by the Select Committee on the Indian Tariff Bill ?

(b) Will Government be pleased to state what action they have taken under the powers reserved for the Governor-General in Council in the Indian



Tariff Act for imposing off-setting duties whenever for any reason the market price in India is lower than the basic figure as recommended by the Indian Tariff Board ?

(c) Will Government be pleased to state to what extent prices in India of iron and steel have risen during the last three months ?

(d) Will Government be pleased to state what machinery they have instituted for this matter being promptly reported and acted upon on lines explained at the time of the introduction of the Bill by Sir Charles Innes ?

**The Honourable Sir Charles Innes :** (a) Government propose to institute an inquiry, but I must warn the Honourable Member that it may take some time, since it will probably necessitate the deputation of an officer to England.

(b) None as yet.

(c) A statement giving the information available is laid on the table.

(d) The Government are carefully watching the course of prices. As I explained at the time of the introduction of the Steel Protection Bill, the machinery which they propose to employ is the Tariff Board. A reference to the Board will not, however, be made until the Government are satisfied that there is a *prima facie* case justifying the imposition of off-setting duties.

Article.	FIRST FORTNIGHT OF JUNE 1924.		FIRST FORTNIGHT OF AUGUST 1924.	
	Baxter Fell's quotations c. i. f. Indian Ports ex-duty.	Quotations from iron and coal trades Review F.O. T. Works (in the U. K.)	Average prices C. I. F. at Bombay harbour excluding duty and dock dues.	
	Continental.	British.	Continental.	British.
	£ s. d. Per ton.	£ s. d. Per ton.	£ s. d. Per ton.	£ s. d. Per ton.
Bars and Rods ..	7 8 0	8 15 0	{ 7 1 0 to 8 7 6	{ 10 15 0
Plates, ordinary ..	8 10 0	9 5 0	{ 8 5 0 to 9 0 0	{ 11 5 0
<i>Structural shapes.</i>				
Angles ..	7 8 0	....	{ 7 5 0 to 8 0 0 11 0 0 to 11 10 0	{ 10 7 6
Angles $\frac{3}{4}$ to 1 $\frac{1}{2}$ ..	8 10 0	...		
Tees ..	8 0 0	....		
Joists ..	7 10 0	8 15 0		
Sheets, Black ..	....	13 5 0	{ 11 10 0	{ 13 0 0
Sheets, Galvanised, corrugated.	....	....		
Sheets, Galvanised, Plain.	....	17 17 6		
Sheets, Galvanised, Plain.	....	....		
				18 15 0 to 19 15 0 19 5 0 20 5 0

**PRICES OF KEROSENE, PETROL AND LIQUID FUEL.**

**407. Mr. K. Rama Aiyangar :** (a) Will Government be pleased to state what information they have with regard to the fixing of prices of kerosene, petrol and liquid fuel by Indian companies and foreign companies, which are reported to have established a working agreement for fixing prices and for division of spheres ?

(b) Will Government be pleased to state whether during the last three or four years these prices have not been absolutely out of keeping with the actual cost of production, but have been artificially fixed with a view to secure maximum revenue and maximum sale, i.e., by the principle of monopoly ?

(c) Are Government aware that the consumer in India is penalised in this way and Government have shown themselves incapable of protecting him by any active measures taken hitherto ?

**The Honourable Sir Charles Innes :** (a) Government are aware that there is a selling arrangement between the Indian oil companies and the Asiatic Petroleum Company, but they do not know the details of the arrangement.

(b) Government do not know what the actual cost of production is. The maximum selling price, however, is determined by the competitive price of imported American oil.

(c) Government do not propose to interfere with the ordinary operations of the market. I may, however, remind the Honourable Member that Government proposed in March last to reduce the import duty on petrol by 4 annas and the excise duty by 1½ annas, but the proposal was rejected by the Assembly. The Honourable Member was one of those who voted with the majority.

**TAXATION INQUIRY COMMITTEE.**

**408. Mr. K. Rama Aiyangar :** (a) Will Government be pleased to state why there has been a delay in assembling the Taxation Committee, which, according to the programme laid before the Finance Committee, was to start work early in April ?

(b) Will Government be pleased to lay on the table correspondence, which they had with the Provincial Governments, on the terms of reference and personnel of the Taxation Committee ?

**The Honourable Sir Basil Blackett :** (a) The change of date was in many ways more apparent than real, as it was always intended that the summer should be devoted to collection of data in India and Europe. Arrangements were eventually made to secure this without the expense of formally constituting the Committee or paying the cost of passages to Europe.

(b) The Government of India's Resolution No. 1412-F., dated the 26th May 1924, contains all the necessary information on the subject, and the Government do not propose to place any correspondence on the table.

**RIOT AT KOHAT.**

**Mr. Chaman Lall (West Punjab : Non-Muhammadan) :** May I put the following question ? Will Government be pleased to furnish the House with the latest information regarding the deplorable disturbances at Kohat ?

**Mr. Denys Bray** (Foreign Secretary) : I have not very much news to give to the House. The situation at Kohat is now quiet but Kohat is denuded almost entirely of one section of its population. The casualties, I regret to say, are greater than I thought at first. Of the Police 6 were injured. Of the Hindus 20 have been killed, including some who have not been identified, 24 were seriously injured and 62 have suffered minor injuries. Some are still reported missing. Of the Muslims 11 were killed, 6 seriously injured and 17 suffered minor injuries. I was asked a question the other day whether the Muhammadan population had suffered from incendiarism. At the time I thought they had suffered either not at all or very little. I have heard from Kohat that about one-third of the shops burnt in the main bazaar belonged to Muslim landlords and about two-thirds of the shops burnt in the goldsmiths' quarters were entirely Muslim. I cannot even now say what the proportion of the Muslim losses is to the Hindu losses as a whole. I have only got the figures of two of the quarters.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars : Landholders) : With regard to the information may I know who were the tenants of the houses, Hindus or Muhammadans ?

**Mr. Denys Bray** : I could not say offhand. When the report says that the landholders were Muslims, the implication is that the tenants were probably Hindus. I am not sure of this. I think that covers the whole of the information regarding actual facts.

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : When the Honourable Member said that the situation is quiet, is it not bound to be so when one section of the population has left the town ?

**Mr. Denys Bray** : I think that is probably the reason. The Honourable Member will, I think, give me credit for it when I say that I was very careful to qualify my remarks.

**Mr. Chaman Lall** : May I ask whether adequate precautions have been taken in the other frontier towns like Hangu ?

**Mr. Denys Bray** : The precautions are believed to be adequate.

**Diwan Bahadur T. Rangachariar** : What steps are taken by Government to induce the people to come back and to safeguard them when they come back to their homes and to help them to rebuild their homes ?

**Mr. Denys Bray** : That is an all-embracing question which I am not in a position to answer. I may say that I myself had one hour's conversation this morning with three leading Hindus of Kohat on this particular subject. I find that as regards going back the position is not quite so simple as it appears to my Honourable friend to be. There are very great difficulties in the way. I gave my own advice very strongly on the subject, but I was met with serious difficulties, some of which I may possibly be able to remove.

**Mr. Harchandrai Vishindas** (Sind : Non-Muhammadan) : Might I inquire, Sir, from the Deputy President, Diwan Bahadur T. Rangachariar, whether a deputation waited upon him from Kohat ?

**Diwan Bahadur T. Rangachariar** : Yes, Sir, I saw the unfortunate people and I sent them on to the Foreign Secretary.

**Mr. Harchandrai Vishindas** : Might I also inquire what kind of complaints they brought to him, and if they ventilated any grievances ?

**Mr. President :** The Honourable Member must remember that questions must be addressed to Members only on matters for which they are personally or officially responsible. I am not yet aware that it is one of the duties of the Deputy President to look after the Hindu community !

**Mr. Harchandrai Vishindas :** I thought, Sir, that it was in his capacity as Deputy President of this House that he was waited upon.

**Diwan Bahadur T. Rangachariar :** I may assure him, Sir, that it was not in my capacity as Deputy President. I had the misfortune to serve on the Frontier Inquiry Committee and I had to come in contact with these gentlemen who came to see me. I shall be very glad to hand over these gentlemen to the Honourable Member if he will take charge of them.

**Mr. Harchandrai Vishindas :** Then I will address myself to the Honourable Member in charge as to whether any of these gentlemen waited on him, and, if so, if they ventilated their grievances and complaints ?

**Mr. Denys Bray :** I am afraid my voice does not carry, Sir, because the last answer I addressed to Mr. Rangachariar had reference to these gentlemen and to these gentlemen alone.

**Lala Duni Chand (Ambala Division : Non-Muhammadan) :** What immediate and effective steps do the Government propose to take to restore a sense of security at Kohat ?

**Mr. Denys Bray :** I am afraid, Sir, that no steps that could be taken here and now would be immediately effective in restoring a sense of security in Kohat.

# RESOLUTION *RE* SUSPENSION OF THE TAXATION INQUIRY COMMITTEE AND SUBSTITUTION OF AN ECONOMIC INQUIRY COMMITTEE.

**Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) :** Sir, the Resolution I have the honour to move runs as follows :

“ This Assembly recommends to the Governor General in Council that he be pleased to suspend the Taxation Inquiry Committee and to appoint a Committee in its place for a close inquiry into the general conditions of economic life and labour in reference to the resources of the country and an estimate of the national income.”

With your permission, Sir, I will add this clause following, which was in my original Resolution but which was cut out. This alone will probably bring out the Resolution in full. I would add at the end :

“ to ascertain if the people can bear the burden of taxation now imposed.”

**The Honourable Sir Basil Blackett (Finance Member) :** Sir, I have had no notice of this addition to the Resolution. I had no idea that it was going to be moved, nor is it contained on the notice paper. I am not quite sure that it is in order.

**Mr. President :** I have permitted Honourable Members before now to make what I may call verbal alterations in the Resolutions they move. I think the Honourable Member must put the Resolution as it appears on the paper. There is an amendment in the name of another Honourable Member which may possibly bring into debate the subject which is suggested in this additional phrase.

**Mr. K. Rama Aiyangar :** Sir, I may point out that my original Resolution contained these words, and I thought I had your permission to put them in.

**Mr. President :** Mr. Secretary informs me that the Honourable Member was informed then that he would have to seek the permission of the Chair on the floor of the House.

**Mr. K. Rama Aiyangar :** All right, Sir. There are amendments standing in the names of others, and the matter will not be overlooked. But, however, practically I think the object of the Resolution is to see that the burden of taxation is also considered with reference to the inquiry asked for by this Resolution.

Before dealing with this Resolution it will be necessary for me to refer to certain debates in the other House to avoid considerable length in my argument. I wish to place those points before this Assembly because they are a thorough examination of the points of difference between the Government and the Council of State and in respect of this matter will bring out in relief the need for the Resolution being accepted as it is. With that view and also to condense my speech I propose, Sir, to refer to the discussions that took place in the other House in connection with this matter. In 1923 on the 23rd of July the Honourable Sir Maneckji Dadabhoy put forward a Resolution in the Council of State to this effect :

“ This Council recommends to the Governor General in Council that an inquiry be made into the whole system of taxation in India with a view to its thorough examination on an economic, equitable and scientific basis with special regard to the taxable capacity of the people.”

That was the Resolution that was moved, Sir. And in fact that gentleman has gone into the whole of the previous history relating to this matter, the nature of the taxation that now prevails in this land, the taxes which he thinks are too much and oppressive and other sources of taxation which he thought were not sufficiently tapped. He summarised the whole of his speech at page 1649 of that report, where he refers to what he means by that Resolution. He says :

“ This inequality in Indian taxation is due to a three-fold reason. In the first place in imposing taxes little thought is given to the taxable capacity of the people. The only scientific basis of taxation is a just and careful estimate of the taxation and taxable capacity of the people, but no attempt has up to now been made to gauge this capacity.”

Again, later he goes on :

“ Taxation to be scientific ought to be upon the sure and sound foundation of a proper estimate of the taxable capacity of the people, the necessary preliminary of which is a scientific estimate of the average annual individual net income. It must be remembered that the limit of taxable capacity is not a stable fact and fluctuates in response to the manner in which taxation is based.”

Again, he goes on :

“ The taxable capacity of the average Indian as also of particular classes should be determined with care.”

And he finishes with this statement :

“ The incidence is the great point in scientific taxation and too much care cannot be taken to equalise it as far as practicable.”

In referring to the incidence he sums up :

“ Some of the taxes are thus specially burdensome to the poor and some, like forest duties, excise duties and canal charges, are practically only paid by the poor. In these circumstances the contention is legitimate that Indian taxation is unequal in incidence, that is, a larger proportion of the poor man's income is taken in taxes than that taken from the rich man's income.”

That is how he finishes. Of course I only draw attention to this particular feature. In fact the Honourable Sir Basil Blackett was not at

that debate, but Mr. McWatters on behalf of Government has dealt with the whole thing fully, and he points out the mistakes made by the Honourable Mover of the Resolution. He points out also that this is a matter in which the Provinces and the Central Government should work together to find out the full details of the position and arrive at equitable taxation. In the course of his remarks, he also says—that was the Government view as put forward then and therefore I take it the position is clearly this—this appears at page 1662 of the Reports—that :

“ The incidence of taxation has now been disturbed, both the incidence as to different classes and sections of the population and as to indirect sources of taxation. This is only one part ; I have mentioned already the necessity that Local Governments are put to find increased revenue to meet special national services ; I have mentioned the new orientation in our tariff policy ; I have mentioned the threat to the excise revenues : surely all these things point to the necessity not only of equalising existing taxation but also of broadening its basis and finding new sources.”

And then, going on, he says :

“ We have addressed Local Governments and invited their co-operation in a comprehensive and scientific inquiry into the whole question of Indian taxation.” He says later :

“ The main problem is an adjustment of taxation to meet national needs and on a basis suited to the taxable capacity of the people and each section of it. The inquiry should be as wide as possible.”

And referring to the question of the cost of this inquiry, he says :

“ The only answer to that is that it is hoped at any rate that this inquiry will be a remunerative one.”

That is the position taken at that time by the Government of India. Of course it was pointed out that the Resolution was accepted by the Government, though later on things ended in a different way. He says :

“ I am, therefore, prepared, Sir, to accept the Resolution on behalf of the Government inasmuch as it leaves the scope and the method of the proposed inquiry entirely open, to be considered after we have received replies from the Local Governments.”

Therefore it will be seen that the Mover insisted on this economic inquiry as a condition precedent to the taxation inquiry. It is clear also that the incidence of taxation was one of the grave questions that the Government considered at that stage, to be necessary to be determined by inquiry and they were prepared at that stage to accept the Resolution of the Honourable Sir Maneckji Dadabhoy. Of course it appears in the course of that discussion that the correspondence had been started previous to the discussion between the Government of India and the Local Governments, and it was pressed on them that that inquiry should be as wide as possible—this was the position taken on behalf of the Government, because we find this from the announcement relating to the acceptance of this Resolution in that form. I probably would not be correct if I did not refer to the final disposal of the matter, so that it may not be said that I did not bring it to the notice of this Assembly. At the end what they did was that “ further consideration of this Resolution be postponed till the replies to the inquiries stated to have been made to Local Governments had been received.” Of course this does not affect the position I have taken. When they got the replies from Local Governments, they were prepared to accept the Resolution put forward by the Honourable Sir Maneckji Dadabhoy, and that inquiry related to a full inquiry into the incidence of taxation and the economic condition of the people, and it was to be as wide as possible, so that the taxation was to be made scientific and it was to be made not to press on any section of the people unduly—a point that would need to be considered—so that it might not be an ordinary inquiry,

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as had been thought of at the time the Taxation Committee was formed. However, the announcement relating to this Committee on Taxation was made during the course of a Resolution which had been moved by the Honourable Mr. Phiroze Sethna in the Council of State on the 4th February of this year. In fact Mr. Sethna proposed the inquiry to be into the economic condition of the people of India, and the wording of the Resolution ran thus :

" This Council recommends to the Governor General in Council that a Committee consisting of a majority of non-official Indians be appointed to make a full and detailed survey of the economic conditions of the people of India, with special reference to the condition of the agricultural population, with a view to finding out the average annual income per head of the population, particularly of the agricultural population, and to inquire into and report on the measures that should be adopted to reduce as far as possible the existing distribution of poverty in the country and to raise the average economic level of the masses of the people."

That was the Resolution that was moved. In my speech, Sir, I do not take his line, and I do not place the whole history of the fight relating to this matter of the poverty and misery of the peoples of India from the time of the Grand Old Man, the late Dadabhoi Naoroji and very many other revered names of this country which had been referred to by him. The whole matter had been put forth and the speeches and writings of Western and Eastern scholars have been quoted at length. I think it would be unnecessary for me to go into all that. At last, the admission in Professor Rushbrook William's latest book is referred to where he says that " the majority of the population of British India is helpless beyond Western conception." The case has been fully put forth and arguments given, and I therefore think it unnecessary to go into the whole thing myself. But the point that I want to place before this Assembly is this. The position of the Government of India in respect of that Resolution ended with a statement that was made by the Honourable Sir Basil Blackett at the close of his speech. I wish to refer to that statement before I refer to the Honourable Sir Narasimha Sarma's statements on this question. This is found at page 73 of the report where Sir Basil Blackett says :

" But that Committee will conduct its investigations in the light of this discussion, and it will certainly be the Government's duty to see that the views expressed on all sides of this House are carefully considered by that Committee in so far as their inquiry touches this question."

I read that for the purpose of referring to the other statements made by the other Members on behalf of Government, only to show that practically what I am now asking for has been conceded (*The Honourable Sir Basil Blackett* : " Hear, hear "), for the Committee according to the Government has been appointed to go not into this question of taxation alone, but also into economic conditions. Of course there might be points which might be excluded from the inquiry—I am going to deal with them later because I am going to urge that those points cannot be excluded from the scope of the inquiry without serious waste of money and sacrifice of the interests of the country. When almost the whole task I want done is going to be done by that Committee, and if they have to collect all the necessary information in respect of all the points raised in the course of those discussions, the work that will have to be done will practically be the work that I am now asking for. My request will make it a more thorough, a more complete inquiry ; therefore I am now referring to the statements made by the Government Member who was apparently in charge of this Resolution at the time Mr. Sethna's Resolution was moved, I mean the Honourable Sir Narasimha Sarma. In the course of the

Honourable Mr. Sethna's speech in connection with this matter, he dwelt at length on the various statements made in respect of the taxable capacity of the people and the income per head of the population. All views were put forth by that Council and in reply the Honourable Sir Narasimha Sarma said :

" The Government were not idle after the 1902 Inquiry but did institute a comparison or attempted to institute a comparison in 1911. And, if I mention a figure, it is not for the purpose of stating that the Government are satisfied that that figure is correct or that the public should consider that that figure is an authoritative figure which the Government are prepared to justify ; but from all that I have been able to see, it seems to me a reasonable figure and the calculation shows that about Rs. 72 per head was the average income in 1911. And, if we take the rise in prices to be 50 per cent. after the war, then it can be fairly argued that the income is about Rs. 100. But I have already warned the House that these are figures which are not put forward by the Government, but that they are figures which, *prima facie*, seem to be deducible from certain data which have been furnished to us by officers,"

He goes on :

" but which are still under scrutiny, still under observation both as regards the methods and the criteria which have been employed. I have only mentioned them for the purpose of illustrating how difficult a subject it is and also how useless it is to arrive at averages."

Then, he goes on :

" The question of an inquiry came up for consideration recently, because the incidence of taxation is a very important problem both for the Provinces as well as for the Central Government, and the Government after careful consideration have arrived at the conclusion that it is desirable in the general interest to institute an inquiry primarily through experts for the following objects."

Then the announcement as regards the terms is made, but I will refer to it later on. He then goes on to say :

" The terms of reference to the Committee are intended to comprise an instruction to institute such an inquiry into the economic conditions of the people as it may consider necessary for the purpose of its report, and in addition the Committee should report on the adequacy of the material already available and should make suggestions as to the best manner in which it may be supplemented and the agency necessary for a wider economic inquiry.....and they would also report upon what they consider should be a suitable agency for the purpose of a wider economic inquiry such as is contemplated by the Honourable Mr. Sethna."

Further on he says :

" It is possible that a good deal of material would be collected by this body and the material placed at our disposal may not require considerable supplementing. If so, we can proceed straightaway to a consideration of the object we have in view. But if it is not so, they will be able to tell us how to proceed, what further material has to be collected, who is to collect it, what further steps should be taken and who should be employed, and what the agency is that should be employed for the purpose of instituting the wider inquiry. The Government do not want to shut out the wider inquiry."

Of course the Honourable Sir Basil Blackett in the course of his speech admits what he had been saying in another place, that he also is very much concerned. He says :

" It is also relevant inasmuch as, regard being had to the desirability later on of this broader inquiry which the Resolution proposes, it will be an instruction to the Committee that they should pay particular attention to examining the statistics that are at present available and to the possibility of improving the statistics and the agencies through which such statistics should be obtained with a view to helping in the inquiry which this Resolution desires..... The existing poverty of a large number of the people is obviously also very great, and no Government can with equanimity look on and not wish that they could do something to improve it."

I want to quote a few words more from his own speech.

" I do think that by these means we may get away from this continual difficulty which really keeps India poor, namely, that she continually lives up to the level of



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substance..... They will meanwhile, we hope, be going on with the expert Committee on Taxation and thus be able to arrive at some means of meeting the object of this Resolution, which is to raise the average economic level of the masses of the people."

I read all this to avoid considerable unnecessary discussion, if possible, in this House, so that we see where we are. The Government feel also that this wider economic inquiry is essential. In fact at one time they practically promised it by agreeing to accept the Resolution which was moved by Sir Maneckji Dadabhoy.

**The Honourable Sir Basil Blackett : No.**

**Mr. K. Rama Aiyangar :** I read that particular passage. Of course it cannot be said that they were prepared at that time to have the doors of the inquiry open for all that I suggest. There is care taken to put in language which might leave a discretion to shut out a portion of the inquiry. But the object and sincerity of it expressed in the course of the speeches made by Government Members would make it clear that they did not want to burke any side of the inquiry which was needed for arriving at a conclusion for a *scientific and equitable* method of taxation. I insist on these two terms, Sir, because they are the basis of the Resolution of Sir Maneckji Dadabhoy which was intended to be accepted. But I do not think anywhere in the attitude taken by the Government they have questioned this. In fact, I did read that portion of it. Sir Basil Blackett refers to the primitive stage of Indian taxation. He refers to it as crude and he wants to substitute a scientific method. (*The Honourable Sir Basil Blackett : "More scientific"*) I dare say it must be a more scientific and equitable method, otherwise the great financial authority now in power would not have discharged his duty. If he has made up his mind to see that he does what he said before he hands over charge, it will be something which will considerably add to the position of India as a progressive nation. As regards the terms of reference, Sir, I beg to submit that from what I have indicated it will be very well seen that the Honourable Sir Narasimha Sarma referred to a lot of records in the possession of the Government both in the Central record office and in the provincial record offices ; he referred to a lot of literature and statistics which would enable the Government to come to a conclusion on these questions. And, as I said, if only the Honourable Sir Basil Blackett wants to arrive at a scientific method with the materials available, it would be more satisfactory to deal with the problem, and he and his Assistants in the Finance Department of the Government of India, with the officers of the Finance Department in the several Provincial Governments, could immediately take steps to put our taxation on a scientific basis and place the proposal before this House, or if they themselves have the power to place it in the form of a Statute on the Statute-book. That would be, in fact, commanding much greater confidence than the Inquiry Committee which is now sought to be sent out with a scope which is, as I will presently deal with, not at all to the satisfaction of the Indian public, or for the matter of that, could not be to the satisfaction of any public. One or two incidents that happened subsequent to this have to be referred to also before I take up the wording of the Resolution itself. It was after the appointment of the Taxation Committee had been announced and the various objections that were raised both to the terms of reference and to the personnel had appeared in the press that the Honourable Sir Basil

Blackett was in Bombay to answer certain addresses that were presented to him by the Chamber of Commerce there. Some of his remarks are very pertinent to this Resolution, for the whole matter has to be considered with respect to all the feelings that have been exhibited not only in the public but also by those who were responsible for the Committee's constitution. This is what the Honourable Sir Basil Blackett said :

"The next question which you refer to is the question of the Taxation Committee. I am seriously troubled to find such a preponderance of criticism over approbation in the matter of the Taxation Committee. It really is a question in which I have taken considerable personal interest. I have been personally responsible for the appointment of the Committee and nothing that I have ever done in the brief course of Membership has ever given me more trouble. The object of the Taxation Committee is to provide in the first instance the people of India with something authoritative in the subject of taxation in India. But I assure you, gentlemen, that the object of appointing the Committee is to be sure that if and when we raise taxes that are necessary to meet the expenditure of the Government of India and the Provincial Governments, they should be raised in the way that is best in the economic interests of India and is cheapest for the tax-payer. I am quite sure that we are getting less revenue at present at more cost to the tax-payer and at less advantage to the economic interests of India than could be done. This would be possible if we had a more scientific system and it is for the purpose of introducing a more scientific system that we are conducting our inquiry into taxation."

Then he goes on :

"It has taken a long time to persuade the Provincial Governments to agree to the form of the terms of reference. I have not been altogether fortunate about the selection of the personnel. Things have happened which ought not to have happened. But I do attach enormous importance to this Committee from a practical point of view."

**Mr. President :** The Honourable Member has now reached his time limit and I must ask him to bring his remarks to a close. He has employed a great portion of his time in reading long extracts from the speeches of others.

**Mr. K. Rama Aiyangar :** Then, Sir, the terms of reference are objectionable for the following reasons : There has been, in fact, as I said, no response to the Resolution or the discussion in the Council of State. Principles of land revenue settlement and the necessity for putting a legal limit to enhancement at each new settlement are not included. Commercial monopolies like railways, posts and telegraphs are not included. Public debt is not included. It is impossible to ascertain the incidence of taxes without knowing the income per head of the different classes of the community so as to indicate whether what is taken by way of taxes takes away luxuries, comforts or the necessities of life. It is impossible to judge the equity of the system of taxation in its effects on the productive efficiency of the various classes of the community without knowing which portion of their income is taken away by the different levies. It is impossible to get a proper view of the problem without referring to the whole financial system and merely by dealing with the question of raising revenue without any reference to the purposes for which the revenue is spent and the manner in which it is spent. Besides these, the condition of the country is a point upon which I need not dilate. The country is very poor and in the case of the agricultural classes a condition should be laid down that those persons who are paying below Rs. 5 or Rs. 10 to Government should be relieved of the taxes, if really they could be left without being taxed on their income. All these questions will have to be gone into and it will also be necessary to find out the national resources and the average income per head of the population. I commend this Resolution to the acceptance of the Assembly.

**Mr. President :** Resolution moved :

" This Assembly recommends to the Governor General in Council that, he be pleased to suspend the Taxation Inquiry Committee and to appoint a Committee in its place for a close inquiry into the general conditions of economic life and labour in reference to the resources of the country and an estimate of the national income."

**Mr. B. Venkatapatiraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, already an indication has been given by the Honourable Sir Basil Blackett that they are not going to accept any economic inquiry. It is true that several inquiries were held under the *pardah* system and their reports were confidential. In 1882, we had Lord Cromer's inquiry, in 1887 Lord Dufferin's inquiry and in 1891 and in 1898 we had two more inquiries. But the Government scrupulously avoided either the publication of the reports or the publication of the evidence. One would naturally ask why it was that the Government were averse to publish the reports or even the evidence. Indians feel that their country was at one time very rich. It has attracted all nations and it has been well known for its wealth all over the world. But what is the cause of its rising poverty which has even been admitted by an official like Dr. Rushbrook-Williams. We have had Muhammadan invasions. But the Indians only complained of them of religious fanaticism. But after the European invasion we have to complain of exploitation. That might be the cause of the poverty of the country. There are other things also to which it might be attributed. At any rate, we now find that the country is poor. The other day when I asked a question as to what was the Indian national income per head, the Honourable Sir Basil Blackett said that he did not agree with the statement made by the Secretary of State but he had no materials to place before us to hold a different view. Is there any civilized country which has neglected not to know the national wealth or the national income of its subjects ? (*The Honourable Sir Basil Blackett* : "Yes, certainly.") The Honourable Sir Basil Blackett says that there is. But such a country which he has in his mind must be a very backward country. In America, we notice that economic inquiries are made from time to time and we know about their wealth. We know not only the national income but also the individual income. I may invite the attention of Sir Basil Blackett to the fact that not only the States but even private companies have taken the trouble of finding out, on the materials available to them, the income per head of the population and not only of their own country but of all other countries of the world. I may invite Sir Basil Blackett's attention to the figures which a well known company of New York named the Bankers Trust Company compiled in 1923 as to the income per head of the population. They state that the British Empire with India has got only 56 dollars, whereas, without India, it has got 151 dollars per annum. Canada has 266, Great Britain 212, France 179, Italy 85, Germany 114 and the United States 281. In pounds, I may mention, Great Britain has 46 per head, Canada 56 per head. And what is the income of India ? It cannot be more than 4 pounds. We know, Sir, that formerly it was stated that the income was only Rs. 27, as calculated by Lord Cromer, but Lord Curzon thought it might be said to be about Rs. 30 in 1900.

Later on it was suggested by the Director of Statistics that it was about 53. The Secretary of State now suggests £4 or Rs. 60 per head. What is Rs. 60 when compared with Rs. 600 in other nations ? If our Executive Members, instead of going in their saloons, reading novels or routine papers, looked on either side of the railroad in the United

Provinces they would see the miserable huts in which the people live, the rags in which they are clothed. In their houses they have no utensils, much less any jewellery. Is this the condition which any civilized Government can tolerate without inquiring into it? What is there in this proposal to which the Government can take exception to inquire into the economic condition of the people? Are they not spending lakhs and lakhs on Committees which result in nothing. We the people are anxious to know the real situation, whether the people are growing poorer from day to day. Those who have had the fortune to see other countries must shed tears when they come back to India to find the miserable state in which the masses are living in India. Do you find in any country the workmen in such a condition as in India? Can we not expect that the world-famed financial expert, who has taken charge of Indian finance, will take the statesmanlike view and find out the real economic condition of the people? If they are growing poorer and poorer, we must know what is the cause, and how best to remedy it.

I will not take up more time, but my submission to the Honourable Sir Basil Blackett is that he should not lose this opportunity of keeping up his well known reputation and see that the taxes are properly and equitably adjusted after ascertaining the proper economic income per head of the people. It was Sir Basil Blackett who said that the Government were going in a rake's progress, in the matter of expenditure, because after the Reforms in 1916-17 we find that with one hand we got the Reforms and with the other hand we find reckless expenditure on the part of the Government. During the last seven years we have increased the revenue of the country by 278 crores, yet in spite of that we have to meet a deficit of 98 crores. We have increased the unproductive debt of 3 crores in 1916 but which is now 280 crores. Is it all for the good of our country, is it all for the improvement or amelioration of the condition of the masses? You know in America they spend 240 crores on education, whereas you spend here a miserable pittance of 12 crores on a population of 300 million. I think it would be wise and statesmanlike for Government to come forward and accept this Resolution for an economic inquiry.

**The Honourable Sir Basil Blackett :** Sir, I have listened in vain to the speeches of the two Members who have spoken for any arguments in favour of the first part of this Resolution. The Resolution is divided into two parts. The first part recommends the suspension of the Taxation Committee; the second recommends a general All-India economic inquiry. No one can fail to have the fullest sympathy with such a recommendation, but I have listened in vain in my efforts to understand what is the objection to the formation of the Taxation Committee. Nothing whatever has been said either by the Mover or Seconder of the Resolution on that point.

**Mr. V. J. Patel :** You should have waited.

**The Honourable Sir Basil Blackett :** If I do not get good reasons in the first two speeches, including the speech of the Mover, I am entitled to assume that they have a very poor case.

The Honourable Mover gave us something of the history of the Taxation Committee, but he seemed to be entirely unaware that this Taxation Committee was instituted by the Government after the formal authorization, in fact under the directions, of the Assembly, which voted the money for the purpose last March. The Honourable the Mover

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spoke at some length in regard to what happened in the Council of State. He read the Honourable Sir Maneckji Dadabhoy's Resolution of July 1923 a year ago, and mentioned the fact that the Government of India had accepted it. They accepted it subject to conditions. Now he did not read some very important parts of that discussion to which I should like to draw his attention. The discussion in the Council of State in July 1923 was illuminating. Sir Maneckji Dadabhoy in moving his motion drew attention to the defects in the Indian financial system. He said :

" I say with great respect that the system adopted in India from time to time by successive Finance Ministers has been more or less undefined, sporadic and haphazard, one devoid of any economic or scientific calculation and only sufficient to tide over the momentary embarrassments of Government and requirements of any particular year."

Others supported the view that something more scientific should be introduced. Sir Maneckji Dadabhoy however had demanded a taxation inquiry with a view to its thorough revision and with special regard to the taxable capacity of the people.

Let me remind the Honourable Member of the view which was taken by some of the Members in the Council of State. The Honourable Mr. Lalubhai Samaldas said :

" The Honourable Sir Maneckji Dadabhoy has talked about national capital, national and individual average income and the taxes to be fixed on these. I wonder, Sir, if he realizes what this means. If a real inquiry had to be conducted and was taken up in right earnest in the same spirit in which he asks it to be done, it would take years.

I believe a similar inquiry was made in one or two districts. If the whole inquiry is to be made all over India by a roving commission composed of economists, financiers, capitalists, land owners, etc., going from village to village, taluk town to taluk town, from district town to district town, taking evidence and getting all sorts of statistics, it will be another twenty years before it can complete the inquiry. By that time no one of us will be here."

He went on to point out that you could not take up the question of provincial taxation without leave of the provinces.

Then another Member of the Council of State also spoke on that debate. He said :

" I wish the Honourable Sir Maneckji Dadabhoy had told this House what country in this world had a taxation system based on such good qualifications as an economic, equitable and scientific basis. It would appear to me, Sir, that the ideal method of taxation would be that which takes from the citizen the surplus which he could afford to give without putting him to any straits ; but I have sought in vain many a book on economy in order to hit upon some country, some economist who has satisfied his country that the system of taxation there was either scientific or equitable or based on a basis which met with the approval of all."

That, Sir, as the Honourable Sir Purshotamdas Thakurdas will recognise, came from himself ; that was his view on the subject of the economic inquiry. Sir Purshotamdas Thakurdas very rightly took the view that :

" as the Central Government have addressed the Provincial Governments it will be well to discuss the Resolution further when the opinions of the Provincial Governments are received."

The Honourable Mover seemed to think that there had been some change in the attitude of Government from the time of the debate in July 1923. I can assure him, there was not. The taxation inquiry was conceived in my own mind at any rate very shortly after my arrival in India.

It was given a considerable impetus by a speech made by Mr. Ginwalla in March 1923, in which he drew attention to what was an obvious defect in the organisation of the Government of India, that it had no department that was really expert in taxation problems as apart from financial problems. The Inchcape Committee drew attention to the same defect and one of the results of their recommendations has been the appointment of a Central Board of Revenue which may train experts and become an expert department in this subject of taxation which, I may remind the House, has become a very practical subject since the war. There have been inquiries very much on the lines that we propose to make them, in a great many progressive countries since the war. We in fact are following rather late in the day in the steps of such countries in making this inquiry. The Government proceeded to consult the Local Governments and when the Honourable Sir Maneckji Dadabhoy's Resolution came up they announced that fact, and, after the Resolution was postponed with a view to hearing what the Provincial Governments had to say, the matter was discussed with the Provincial Governments both in written communications and at very considerable length at a Conference of the Finance Members of India held at Delhi in November, 1923. At that meeting the proposal to appoint a Committee with the terms of reference just as now proposed was unanimously agreed to by the Finance Members. The terms of reference were actually drafted by a committee of those Finance Members. The Local Governments were then asked to give their formal approval to what their Finance Members had agreed to and they unanimously accepted. That was the position when the second Resolution the Honourable Mover has mentioned—the Honourable Mr. Sethna's Resolution in the Council of State—came up on in February 1924. At that time the Government announced the terms of reference of the Committee and their general intentions in regard to personnel and the Council of State did not pass the Resolution that was proposed by Mr. Sethna but it passed the following which was agreed to by the Government :

“ That this Council recommends to the Governor General in Council that the Local Governments may be consulted with regard to the desirability of undertaking an inquiry into the general economic conditions of British India and whether they are prepared to support the proposal to appoint a Committee and to co-operate in its labours.”

The Council of State accepted the view that the Taxation Committee could desirably start its labours while those consultations with the Provincial Governments in regard to a more general economic inquiry were being made.

**Mr. A. Rangaswami Iyengar :** Are they going on now ?

**The Honourable Sir Basil Blackett :** I am coming to that. The next step the Government took was to place the proposal for the Committee, its terms of reference and an estimate of its cost before the Standing Finance Committee, and after receiving their approval the proposal was placed before the Assembly among the Demands for Grants. The Demand for Grant in which it was included was the normal grant for such committees, namely, the Miscellaneous Grant Head No. 47. That was one of the grants which was passed by this House without discussion. From that fact and from the fact that no notice of any kind for the omission of that item was put down, the Government are surely entitled to the view that at that time the Assembly

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not only accepted the desirability of the Committee but wished to proceed with it. What change has occurred since then? So far as I can understand, no change at all has occurred. The Government have proceeded in accordance with the directions of the Assembly to appoint the Committee. They have as a matter of fact postponed the first formal meeting of the Committee until November. They found that they could take advantage of the presence in England of the prospective Chairman and Secretary of this Committee as well as the member from Somerset House and the Inland Revenue in England, to avoid the necessity of any expenditure for the Government of India during the six or seven months preceding the cold weather here. During that period the Government of India are getting the advantage of preparation of statistics in India. We have circularised all the Local Governments and others with a view to the collection of data, and prospective members of the Committee in Europe have been giving their spare time at no cost to the Government to examining the condition of affairs in some European countries. They have been collecting statistics in Geneva and in London. All the members of the Committee have, I understand, been in consultation with each other, some orally and some only by letters. Now it is in these circumstances that the Honourable Mover comes and asks us to suspend the inquiry. I suggest to the House that it is not in accordance with its own dignity that it should now turn round and recommend a reversal of its own deliberate decision taken six months ago—a decision on which the Government have acted as in duty bound. The decision to appoint a Taxation Committee rather than a general All-India economic inquiry was deliberately taken after public discussion. The reasons for preferring to begin by a taxation inquiry were fully stated by the Government before the House arrived at its decision. There has been no change in the circumstances since then—no change which would justify a reversal of policy; and I feel sure in these circumstances the House will not desire to be so inconsistent as to adopt the Resolution now before it in the form in which it stands.

Let me now turn to the proposed economic inquiry. It will be remembered, as I have already read it out to the House, that on February the 4th, 1924, the Government agreed to a Resolution in the Council of State to consult Local Governments on this subject. The Government have since that date consulted Local Governments on the subject. Now the Resolution was “to raise the economic level of the masses of the people.” That was stated to be its purpose. Such an object is one with which no one could fail to feel the utmost sympathy. The Honourable Mover has already referred to what I said in the Council of State on the subject. I was talking of the potential riches of India. Drawing a distinction between the potential riches of India, obviously very great, and the existing poverty of a large mass of the people of India, which is also obviously very great, I said then and I repeat now that no one can see that contrast without desiring to do all in his power to serve the object of the Resolution, namely, to raise the economic level of the masses of the people. I was sorry to hear the last speaker repeat what I regard as the ridiculous nonsense about India having been a rich country and made poor by the arrival of the British. It is so obviously untrue. It is stated often and it is believed by some ignorant people, but I do not think that an Honourable Member of this House should

come here and give vogue to such an obvious untruth. That India has attracted in all ages the traders from other parts of the world, that India has been the home of gold, of treasure and of jewels for all ages, is a well-known fact. India is still a sink of gold, of jewels and of treasure, but the economic level of the masses of the people certainly was not higher in the days of Nadir Shah than it is to-day. There is no foundation whatever, I think, for that historical statement, and I do not think that anybody is benefited by trying to drag into the discussion this sort of historical myth which can merely serve to grace a perfervid peroration.

Now the Provincial Governments obviously share the view of the Government of India that it is desirable to do what can be done to raise the economic level of the masses of the people. We have passed away from the theory of the Manchester School—the theory of *laissez faire*—that the sole duty of Government is to maintain law and order internally and on the frontiers. It is no longer considered to be sufficient that a Government should confine itself to that task. One of the particular purposes of the reforms was to distinguish between the functions of the Central Government and the Provincial Governments and to give the Provincial Governments more time to attend to this task of doing what they can for what are called the nation-building services. The Central Government's functions were deliberately arranged so that, apart from their general supervision and control, they should be concerned mainly with these older functions of government together with the task—and the very important task—of maintaining unity amid diversity, a federal union among a series of politically autonomous governments. The functions of the Provincial Governments, however, are those which are mainly concerned with the raising of the economic level of the masses. This involves something of a federal system and it involves special attention to the questions of federal finance on which I propose to touch in a moment. But it also makes the views of the Local Governments on the question of an All-India economic inquiry not only important but almost decisive. We have not yet received replies from all the Local Governments to the circular that was sent out by the Government of India on the subject, and until they are received a final conclusion cannot be arrived at. We do not want to prejudice the issue ; but I may say that so far the replies received from Local Governments strongly suggest that they do not desire an All-India inquiry. Only one Government so far has expressed its willingness to support the proposal, that is the Government of Bombay ; and its reasons for giving its support are interesting. It bases its support not on the merits—because I gather it thinks that the inquiry can better be done locally—but on the view that an authoritative inquiry would put the Government in possession of facts to disprove the wild allegations frequently made regarding the great and increasing poverty of the people of India. I can only sympathise with that view. As I have said, nothing has startled me much more than the frequent repetition of that outrageous misreading of history, since I came to India. The Bombay Government, however, never for a moment suggests that the taxation inquiry should be suspended meanwhile. The other Governments are all more or less emphatically opposed to an All-India inquiry ; they lay stress on the great variations which exist between different parts of India and Burma. This is a point which jumps to the eye. An All-India figure of the index number for the cost of living, even if you exclude Burma, is obviously



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merely meaningless. A figure purporting to give the average annual income of an Indian taken for the whole of India and Burma is even less useful. What is needed and what the Local Governments all want is a more detailed inquiry in regard to particular areas and particular classes. Many of them are already engaged in one way or another in conducting these inquiries. As I have said the Government of India do not desire to come to a final conclusion on the question of the institution of an All-India economic inquiry at the present moment until all the replies have been received. But it is evident from the replies that have been received that the unanimous consent of the Provincial Governments, which is essential for a satisfactory inquiry to be instituted, will not be easily or quickly obtained.

For these reasons, Sir, while the Government have every sympathy with what they take to be the underlying purpose of the Honourable Mover in pressing for an All-India economic inquiry, they are not prepared to commit themselves to the second part of the Resolution which asks for an All-India economic inquiry. In particular the Government could not agree that any committee, whether the Taxation Committee or Economic Committee, should waste its time in trying to obtain an average figure of the annual income of an Indian. I have very little belief in the value of such an estimate even in a country like England which is fairly homogeneous. I may tell the Honourable Seconder of the Resolution that the British Government have invariably stated that they are unable to give the kudos of government approval to any of the various estimates of the national income or national capital of the United Kingdom that have been framed from time to time. They do not regard them as more than more or less useful guesses by individuals who have chosen to make such guesses. (*Mr. A. Rangaswami Iyengar* : "They are great economists.") There are very many great economists in England who have attempted to produce estimates of the average annual income of an Englishman. Those estimates prepared on the same data for the same time by very well equipped economists have frequently varied by something approaching 100 per cent. That being so, what real use is there in an average annual figure of the income of India and Burma? What would be the meaning of the average annual income of a European in Europe, even excluding Russia? I am afraid the same is really true of an Indian excluding Burma; because the value of money varies from time to time and place to place. *Mr. Venkataswami* quoted the figure of the average annual income of a subject of the British Empire, including India, as 56 dollars. Well, what on earth does that mean? In Australia, I believe, 4 shillings buys what one shilling buys in England, because you have got a high protective tariff. The income of an Australian might be four times that of an Englishman stated in terms of dollars; but he would really be exactly as well off. You have got to take the differing value of money in different parts of the world and different parts of the area for which you are taking the estimate into consideration, before it begins to be of any use. Then the term "income" itself requires careful definition before you can say what the average annual income is. It has been my experience that when one produces some figure as the average annual income for any area very few people who see that figure have the least notion as to what the definition of income was. I have already pointed out, I think,

in this House that as the result of the addition of £7,000 millions to the National Debt of the United Kingdom during the war, according to certain estimates the national income of the United Kingdom was increased by £7,000 millions, that the addition to the National Debt due to the war meant an addition to the average annual income of each individual in the country ; and that is true unless you are very careful in the statistics before you. Statistics are very useful if you use them properly, if people understand how they should be used ; but the idea that you can invent an average annual income for an Indian and then base on that a scientific basis of taxation is really quite unfounded. No one will be any better off than before.

I trust I have convinced the House that however desirable an economic inquiry might be an inquiry that is going to extend to the details which seem to be in the mind of the Honourable Mover of this motion cannot really be useful for the purposes of the improvements which we desire in our system of taxation. If a system based on a scientific and equitable basis calculated according to the taxable capacity of the people and the average annual income of the people could have been framed, would not every progressive country in the world have framed such a system and worked it long ago ?

Now, let me invite for a moment the attention of Honourable Members to the terms of reference of the Taxation Committee which is under consideration and to the Resolution of the Government of India which announced the terms of reference. They will see that the Taxation Committee are already charged with making an extensive economic inquiry so far as is necessary for the purposes of their investigation. That is the only limit that is placed upon them. It is a very careful limitation with a view to ensuring that their inquiry shall be limited to the purpose in view and shall not be a roving inquiry, such as Sir Purshotamdas Thakurdas and Mr. Lalubhai Samaldas, speaking in the other House, feared might take place. It is exactly to avoid any such roving inquiry that the terms of reference have been carefully defined. The Committee are further charged with the task of considering the burden imposed on classes of the population without regard to territorial limits ; and to consider the whole scheme of taxation, Central, Provincial and Local. They are charged with the very important duty of considering the most efficient methods of collection. Their investigation must necessarily provide very valuable data for further studies of the economic conditions of India and in accordance with the promise given in another place there is a specific direction to the Committee contained in the Resolution that they should give particular attention to the question of collecting data.

Now, the need for this inquiry is, I submit, an urgent one. It is generally recognised that our taxation system could be improved. I believe myself that it could be quite considerably improved. I interrupted an Honourable Member in the course of his speech when he said that I had stated that what I wanted was a scientific system of taxation. What I do want is a more scientific system. There is a very big distinction between a more scientific system and a scientific system. It is very difficult to extend science into all the psychological regions which taxation invades.

The need for the inquiry is, I think, evident and urgent. India has recently been given a reformed political constitution. If that constitution

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is to progress, it is necessary that there should be an inquiry into the complicated subject of federal taxation, a subject which has proved a thorny one for every federal constitution in the world. There is very much to be learned from the failures and the successes in the direction of federal finance of existing federal governments. It is a subject to which a great deal of attention has been given in the United States and in Switzerland. It is being studied in Canada at the present moment. It is a subject which is very much to the fore in Australia. Without such study the Central Government and the Local Governments are agreed that they cannot advance politically and economically as much or as fast as they should. If the Meston Settlement is to be revised, this inquiry is obviously necessary. It is an essential preliminary to the inquiry into the expenditure side of the question—a very important side of the question, which would be necessary for the same purpose. Before we can frame a settlement, I will not say which is satisfactory to everybody, but which is more satisfactory than the present system to some of those concerned, this inquiry is an absolutely essential preliminary. The great change that was made in 1919 in the relations of the Central Government with the Provincial Governments is I think not always quite realised. Before 1919, the Provincial Governments were, as I may say, emanations of the Central Government carrying on all the functions of the Central Government locally, subject to general superintendence from the Central Government. There was no clear distinction between the functions of the two Governments and there was no clear distinction between their revenues. An attempt was made in 1920 to create this distinction and there are now Provincial revenues and Central revenues. But there are an enormous number of problems that are still unsolved. Let me give one example. Excise has become a provincial subject. The excise duty is collected by the Provincial Government. But it is economically desirable and is historically the fact that distilleries should be in one province and should provide the needs of another. Now, is the consuming province or is the producing province to take that revenue? It is a problem that can only be solved by an understanding between the two. We are, I believe, very near a settlement of that problem. But if you do not settle that problem, see what happens. You probably get a new distillery built in the province that has not got one, which is economically very bad for India (quite apart from the question of consumption of alcohol), and you get something approaching a ring fence of excise barriers between province and province. You break up the whole economic unity of India. That is only one example of the many problems that arise in dealing with federal finance, and that is one of the problems that this Taxation Committee will, I hope, look into.

Then there is the question of the suitability of existing forms of taxation and existing methods. It is categorically stated in the Government Resolution appointing this Committee that the Government have no intention of increasing taxation. Indeed, I am hopeful that as the economic disturbances arising out of the war pass away, the yield of existing taxes may increase and thus enable us either to reduce existing taxes or—what comes first in the case of the Central Government—to give some relief in the matter of provincial contributions. Then there are particular sources of revenue which are liable to disappearance. Let me draw the attention of Honourable Members to to-day's order paper. The first

proposes that we should not inquire into the taxation system of India. The second proposes that we should bring about a state of affairs in which neither the Central Government nor the Provincial Governments will get any revenue from alcoholic liquor. That is a loss of something approaching 20 crores of existing revenue. The fifth proposes that we should get rid of the excise duty on cotton. I think there is another Resolution, which probably may not come up to-day, but which is the seventh on the order paper, which has a direct connection with our opium revenue. We are already suffering a constant diminution, which I for one do not regret—in our opium revenue and it is obvious that all these revenues are at any rate to some extent precarious. In these circumstances is it not obviously desirable that we should have an inquiry into taxation—an inquiry sufficiently wide to cover the subject, but sufficiently narrow to secure that it will not be a roving inquiry which will go on for generations without any practical result, an inquiry which will be useful for the Governments and Legislatures of India when they come to consider the changes in taxation which are obviously due in the course of nature in the fairly near future? The Mover hastily read out some of his objections to the existing terms of reference at the end of his speech when he was unfortunately unable to continue it. He says that it does not deal with land revenue. It deals with land revenue in so far as land revenue is a taxation subject. It does not deal with land revenue in so far as land revenue is a question of politics and administration. Obviously you must have a very clear distinction there. You could not have the Central Government even with the approval of the provinces going and interfering in the autonomy of the provinces in this matter of land revenue. It is a very clear distinction, and it has to be there. It does not deal with Railways—the Honourable Mover said. We had a discussion about Railways yesterday and I for one always object to Railways being regarded as a method of taxation. It does not deal with monopolies. It certainly deals with salt revenue and things of that sort. It does not deal with debt. Debt is an expenditure subject; it is not a question of taxation. We must try and do one thing at a time. And it does not deal with the poverty of the people of India—the Mover said. I hope it will deal with that question, as I have already said. Some of the objections which were taken on one occasion when this subject was discussed in the Council of State were that the Committee might deal with poverty more effectively by taxing some of the richer members of the community more than they are being taxed at present. But that is in the future at any rate. Surely we want an authoritative report on this subject. The proposal for this Committee has been carefully thought out in advance. It was examined fully with the Provincial Governments both in written and oral communications. It has been discussed on broad lines on at least two occasions in another place. The special recommendations of the Government of India in regard to its appointment and its terms of reference and the expense which it would involve were placed before the Standing Finance Committee and the grant after approval by the Standing Finance Committee was passed unanimously by this House. It was not until the Government were armed with that authoritative direction from the Assembly that they proceeded to appoint the Committee and set it upon its preliminary investigations. In these circumstances, I confidently appeal to the House that at this stage it shall not stultify its own action, and stultify the action taken by the Government of India by passing a Resolution for the suspension of the inquiry.

**Mr. V. J. Patel** (Bombay City: Non-Muhammadan Urban): Before I address you, Sir, on the merits of the question raised by this Resolution, I should like to enter my emphatic protest against use of language which in an Assembly of this character should have been avoided. My Honourable friend, Sir Basil Blackett, in addressing you referred to the speech of my Honourable friend Mr. Raju, and I remember that he used the words "Mr. Raju talked ridiculous nonsense"—these are his very words, "that he was talking an obvious untruth". I strongly protest against the use of such expressions in this Assembly, and I am sure that my Honourable friend, Sir Basil Blackett, when he realises that he has really done an injustice not only to Mr. Raju but to the whole Assembly, will repent.

**The Honourable Sir Basil Blackett**: If I may intervene for a moment, Sir, I had not the slightest desire or intention to accuse Mr. Raju of any of the crimes which I appear from Mr. Patel's statement to have accused him of. What I said, and I wish to repeat it, is that I regret that such statements which I regard as ridiculously untrue should be repeated in this House.

**Mr. President**: I hope that all Honourable Members, even when convinced of the inaccuracy of statements made by others, will be careful how they use such words as 'untruth'.

**Mr. V. J. Patel**: Thank you. The Honourable Sir Basil Blackett wanted to know why we objected to the existing Committee and why we wanted to have it suspended. I do not know why my Honourable friend, Mr. Rama Aiyahgar, wants to suspend the Inquiry Committee. Does he mean to revive it at some future time? The fact is that he wants to have it dissolved or disbanded and to have another Committee appointed for an economic inquiry throughout India. His sole object is therefore not to have the Committee suspended with a view to revive it at some future time, but to dissolve it altogether. That is my position at any rate. I would like to see the present Committee disbanded altogether, and for these reasons, I see no other result from this Committee except a recommendation for further taxation. If you have followed the speech of my Honourable friend, Sir Basil Blackett correctly, and if you read between the lines, you will find that his whole object is to get more revenue. He fears, and very rightly fears, that the excise revenue is bound to go under the pressure of public opinion. He also fears that the liquor revenue will disappear; if not now, at least after some time, because this country, unlike other countries, is for prohibition, total prohibition of liquor. He has also got to find funds for giving effect to the recommendations of the Lee Commission. He knows that very well. He has got to find extra revenue for all these purposes, and if you have followed him quite correctly his whole idea in appointing this Committee is to have recommendations for further taxation and therefore no other result could be expected out of this Committee. Under the circumstances I strongly object to the appointment of any such Committee because in my opinion Government are placing the cart before the horse. The first thing that the Government should do is to inquire into the economic condition of the people and their capacity to bear any additional taxation. We have already been complaining for years past that this country is overburdened with taxation and that the time has come when Government should go into the whole question and try to see if taxation could not be reduced. Instead, the Government all at once starts a taxation inquiry under the plea of putting the taxation on a more scientific basis, admitting thereby that the taxation system is already

on a scientific basis. Therefore I say the first thing to be done in this respect is to have a thorough inquiry into the economic condition of the people of this country, and unless you do that it is not possible for any Government to say whether the country is in a position to bear any further taxation. That is one ground on which I object to this Committee. We want an inquiry first into the economic condition of the people and to find out how the people of this country are capable of bearing any additional taxation before we go into any question of taxation at all.

The second reason why I object to this Committee is because of its personnel. I strongly object to its personnel. The personnel is not at all satisfactory. Government should have consulted this Assembly before they appointed a Committee of this character. It is a very important Committee, involving as it does an inquiry of a very far-reaching character, and I should have thought that Government before committing themselves to any such position would have consulted this Assembly. Instead, the Government have appointed a Committee of their own selection. You have as usual a member of the I. C. S. as the Chairman of that Committee and another member of the I. C. S. as Secretary. That is a sure guarantee that Sir Basil Blackett will have his recommendations for taxation. Can there be any doubt about that? There is one gentleman. I do not know his name (*A Voice*: "Sir Percy Thomson.") Sir Percy Thomson from England. I do not know who he is. I have never heard of his name. But there he is. He is perhaps an old friend of Sir Basil Blackett. I do not know. When he will come over here, we will know what qualifications he possesses. Then you have got three Indians, all excellent economists no doubt. One of them is a Member of this House, a very distinguished Member, Dr. Hyder. Then there is Dr. Paranjpye from Bombay. He is a personal friend of mine. I have great respect for him. We have worked together in the Bombay Legislative Council for years and I can say that he is a very good schoolmaster, but so far as economy is concerned a worse choice could not have been made. I do not know what induced my friend Sir Basil Blackett to place his choice on Dr. Paranjpye. He is a very amiable gentleman, a very estimable gentleman, a very capable man, but for this work he is in my opinion absolutely unfit. Then there is the Maharaja of Burdwan. I think I need not say anything about him. The less said about him the better. I leave it to the House to judge whether the personnel selected for this Committee is at all satisfactory for the purposes that we have in view. I have not the slightest doubt in my mind that with this personnel, Sir Basil Blackett will have the recommendations that he wants from this Committee. And when the report comes before this Assembly he will say, here is the unanimous opinion of three Indian gentlemen, all respected men, all men holding public positions, all men having the cause of the country at heart, and you have no right to say anything against them; you must accept their recommendations in the same way as you were asked to accept the recommendations of the Lee Commission by my friend Sir Alexander Muddiman. We do not want this inquiry in the first place because it is putting the cart before the horse, and in the second we object to the personnel of the Committee altogether. We demand a Committee to make an inquiry into the economic condition of the masses, a Committee to be selected by this House—two-thirds to be selected by this House and one-third to be nominated by Government. That is the sort of Committee that we want and not this Committee. And we therefore say this Committee should be disbanded altogether. We were told

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that we voted the grant for the expenditure. We never did anything of the kind. You know what happened at the time of the Budget ; you know very well, you will have a full picture before you, if you will only just refresh your memory and realize what was the state of tension at the time and you will at once see what Demands for Grants we considered and what we did not consider. If I remember right, this particular grant came on on the last day when the guillotine was applied and there was therefore no consideration of this grant upon its merits. (*The Honourable Sir Basil Blackett* : " In the same way as the Income-tax.") The same as the Income-tax ! It would have met the same fate, I assure you, if you had allowed the House a chance. But under the rules of this Assembly you can discuss Demands for Grants for a particular number of days only, and at the end of those days all the remaining grants are put to the vote and guillotined and we have no opportunity of discussing them. But I assure Sir Basil Blackett that if we had got the opportunity we would have there and then objected to this particular grant. There is no doubt that from the time that we knew of the appointment of this Committee, we have been protesting both from the press and from the platform against this Committee. We do not want any Committee which is likely to suggest any additional taxation. The country is not in a position to afford any additional taxation. If you will allow me to speak out what you would consider as obvious untruths, and at the risk of being called uncompromising or impertinent, I should once again bring before this House what we consider to be the true condition of India to-day. Why is it that you shirk this inquiry ? Why do not you want to make this inquiry ? We have been repeatedly asking you for this inquiry. Times out of number this House by questions and Resolutions have been pressing the Government to make an inquiry into the economic conditions of the people of this country. Years ago in 1902 my late lamented friend Gopal Krishna Gokhale asked the Government of India to undertake an economic inquiry into the conditions of the masses. You would not do it. The Famine Commission sat in 1898. They examined several witnesses. The whole of the evidence was shut out. Why ? That evidence never saw the light of day, as the evidence in respect of another famine commission appointed in 1924 never saw the light of day—the Lee Commission. (Laughter.) Several inquiries were made as stated by my friend Mr. Raju regarding the national income and resources in days gone by estimated by several authorities. The evidence recorded in those inquiries has never seen the light of day and we do not know anything about those inquiries. Why is it that Government are not prepared to face a public inquiry into the economic condition of the people in this country ? The reason is obvious. You know that as soon as that inquiry has been set on foot, so many ugly things will be said and brought out and exposed about British rule in India that you dare not face such an inquiry. That, it seems to me, is the only reason. As a matter of fact the country, as I have already mentioned in connection with the Lee Report, which was the richest country in the world is to-day the poorest. That is the position. We had a most excellent system of industries, a most excellent system of handicrafts. Where is all that ? It has all been destroyed under your system of government. Can you deny that ? You can go on denying but then why don't you make an inquiry ? As I told Mr. Chatterjee the other day, your conscience is guilty. A country which produced the best of

materials, which attracted you and those who were unemployed in other countries to this country, dreaming of the wealth of India, that country now is the poorest country in the world ! (Voices : " No, no ".) Then why don't you make an inquiry, I ask once again ? Mr. Rama Aiyangar wants an inquiry into the economic condition of the people in this country before you proceed further with your Taxation Inquiry Committee, which you have appointed for purposes of your own (*The Honourable Sir Basil Blackett* : " Why ' before ' ? ") Because without an economic inquiry, you cannot go on with the question of taxation, you cannot determine what taxation the people are capable of bearing. We say that the people are not capable of bearing any further taxation; you say, " No, they are ". That is the difference between us and the Treasury Benches. We want a thorough inquiry into the economic condition of the people of this country before you think of additional taxation. You know that 80 per cent. of the people of this country live on agriculture and agricultural labour. It is because the industries have been destroyed, it is because the trade has gone,—that is why so many people have to fall back on agriculture and agricultural labour—and I repeat once again that millions of the people of this country are living on one meal a day, and I want you, the Members on the Treasury Benches, to try that experiment yourselves for a week, and I would like to see your faces on the eighth day (*The Honourable Mr. A. C. Chatterjee* : " Have you tried it " ?) Millions of the people of this country are living on one meal a day. Is it or is it not a fact ? (*The Honourable Sir Basil Blackett* : " I would not say ' no '. I have very definitely said, ' yes '. ") Very well, one fact is admitted that millions of people in this country live on one meal a day, and among those millions you are not there; that is absolutely certain. (*The Honourable Mr. A. C. Chatterjee* : " Are you ? ") I am sorry; I am not, but I am here to represent them; you are not (*The Honourable Mr. A. C. Chatterjee* : " I do not say I am. ") Can you say there is any country in the world where such a large proportion of its population is living on one meal a day ? That is the condition of the country after 150 years of your rule ! (*Mr. T. A. Chalmers* : " Did they have two meals a day before ? ") Oh, you are sure they lived on one meal a day ? (*Mr. T. A. Chalmers* : " I am asking "). That is why we want an inquiry. You may say that some of the conclusions we draw are harsh, they are not correct, they are obviously untrue, you may say all sorts of things. We say, " All right, let a Committee hold an inquiry, let us see who is right and what can be done to remedy this ". And you shirk such inquiry (*The Honourable Sir Basil Blackett* : " Read history, Aurangzeb. ") (*An Honourable Member* : " History made to order ? ") Who made the history ?

**The Honourable Mr. A. C. Chatterjee** : Why don't you make your own ?

**Mr. V. J. Patel** : You have manufactured the history for your own purpose. Take for instance this Committee which you have appointed, it makes a report as you want it. Twenty years hence, the then Finance Member might quote passages from it and say that the Committee with three eminent Indians had said so and so. You will call it history. Such history is worthless, and it would not be worth the paper on which it is written. It is history manufactured by you for certain set purposes and cannot be relied on. We want an inquiry made by independent men, men in whom people have confidence, not men appointed by you. That is what we want. Why don't you do



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it? We again and again say that ignorance, poverty, disease and epidemics are the order of the day under your rule. We repeat this indictment times without number. We challenge you to prove otherwise. Ignorance, because you have always resisted our attempts, our endeavours for the introduction of free and compulsory education in this land. You have kept the people of India absolutely ignorant. Ninety-five per cent. of the people are steeped in utter ignorance.

**The Honourable Sir Basil Blackett** : Some of them are here.

**Mr. V. J. Patel** : Some of them are here. They are on the Treasury benches! That is what you have done about the education of the masses of the people committed to your charge. And when I talk of disease and epidemics, you know that in Glasgow plague broke out some years ago and it was eradicated in one year. In India plague started in 1896 and every year regularly we have a visitation in Bombay. You have not been able to do anything in the matter. Why should you?

**The Honourable Mr. A. C. Chatterjee** : Have you allowed everything to be done.

**Mr. V. J. Patel** : What can we do? You are our masters for the time, brown or white, whoever sits there. That is the position. Then, Sir, talking about diseases and epidemics, only 5 years ago we had a severe outbreak of Influenza and 60 lakhs of people died in three months alone. This is your wonderful organisation of medical relief and sanitation. This is your rule, and yet you say that everything is well governed, governed in the interest of India by the Indian Civil Service. That is the position. I once again challenge you to hold an open public inquiry as suggested in this amendment of Mr. Goswami and prove that we are wrong. I now conclude with an appeal to the Mover of this Resolution to accept the amendment of Mr. Goswami.

**Mr. T. C. Goswami** (Calcutta Suburbs : Non-Muhammadan Urban) : Mr. President, with your permission, I wish to move the amendment which stands in my name, which is as follows :

“ That for the original Resolution the following be substituted ; namely :

“ That this Assembly recommends to the Governor General in Council, that he be pleased immediately to dissolve the present Taxation Inquiry Committee and instead thereof to institute a thorough inquiry into the economic condition of the various classes of the people of India, their income per head, their capacity to bear the existing burden of taxation, and the general resources of the country, through a representative Committee, at least two-thirds of which shall be elected by the Indian Legislative Assembly.”

While thanking Sir Basil Blackett for his illuminating lecture on federal finance, I am obliged to say—I shall not be very uncharitable—that his speech was not so much an example of bad advocacy as the result of an increasing conviction of the weakness of the case which it was his business to defend. The defence of both parts of the Resolution, which the Honourable Sir Basil Blackett rightly said *can* be separated, is very weak indeed. As for the terms of reference to the Taxation Committee,—I shall come to them in a minute. There was one point on which Sir Basil Blackett laid special emphasis. He said that the Assembly had voted money for this Taxation Committee and he referred to the deliberate decision of the Legislative Assembly. Well, I suppose, words have their meaning and I wonder what that word

"deliberate" meant in the phrase which he used,—“the deliberate decision of the Assembly.” As my Honourable friend, Mr. Patel, has pointed out, the demand under this item came under the guillotine during the Budget discussion. No opportunity was available to the Members of this Assembly to express their opinion on this Committee. I might remind Sir Basil Blackett that early in June, as soon as the personnel of the Taxation Committee was announced, I handed in to him a copy of my Resolution which the ballot has awarded to my Honourable friend, Mr. Rama Aiyangar. And he must have seen after that in the press repeated and pointed criticism both of the personnel and of the terms of reference of this Taxation Committee. He could not have failed to notice that dozens of Members of the Legislative Assembly sent in this very Resolution (or something very much like it) in order that it may have a chance in the ballot and that the Resolution may be discussed and that we may express our emphatic opinion that this Taxation Committee should be dissolved immediately and an inquiry should be instituted through a representative Committee into the economic condition of the country. Sir Basil Blackett has told us that the Provincial Governments have opposed an economic inquiry. Obviously, they would. I did not expect that they would do anything else. Therefore, it becomes all the more necessary for us in this Assembly to emphasise our opinion that this Committee should be immediately dissolved. Sir, with your permission, I will refer to a debate in another place. I am not at all discouraged or frightened by the fate of a similar Resolution in the Council of State,—I mean the Resolution moved by the Honourable Mr. Phiroze Sethna on the 4th February, 1924. I shall not take the time of the House by reading the Resolution which was moved by the Honourable Mr. Sethna, but I take it Honourable Members are aware of the text of that Resolution. During the discussion on the Resolution in the Council of State, Government induced the Honourable Mr. Sethna to withdraw his Resolution. And I find—a thing which is not surprising in the other House—that the Honourable Mr. Sethna found out this excuse—that, if an economic inquiry were instituted, people would think that it was with a view to, and an effort at, increased taxation. Well, Sir, I should like to say that it is only when you have a Committee consisting of men who are admittedly not the representatives of the people going into an inquiry, deliberately with a view to further taxation, that the people would have the apprehension, and not in the case of a Committee such as we suggest.

Sir, the Honourable Mr. Patel has referred to the personnel of the Committee. I will just remind the Honourable Sir Basil Blackett of something which he said in the Council of State on the 4th February. “They will meanwhile”, he said, “be going on with the expert committee on taxation.” So the Taxation Committee, the personnel of which has been described by the Honourable Mr. Patel, is an expert taxation committee? Experts indeed!

I can well understand a committee of real experts, but I do not understand a fancy and fashionable committee of political prize-babies.

**The Honourable Mr. A. C. Chatterjee :** Will you name your committee of experts?

**Mr. T. C. Goswami :** When occasion arises I hope to be able to do so.

When you talk of the expert opinion of any committee constituted by the Government, I am reminded of what an eminent educationist once

[Mr. T. C. Goswami.]

said of the imported Imperial Education Service : " Every bottle-washer is a chemist in India." And, of course, the Civil servant is omniscient ; he sings :

" Got any rivers they say are uncrossable ?  
Got any mountains you cannot tunnel through ?  
*We specialise on the wholly impossible,*  
Doing things that no man can do."

We want the Committee to be composed of representatives of the people who inspire confidence in the people, and of experts. That is why I have framed my amendment in that way. I want two-thirds of that central committee of inquiry to be composed of accredited representatives, and we shall associate with that committee other men who are experts in this department.

**The Honourable Mr. A. C. Chatterjee :** Such as ?

**Mr. T. C. Goswami :** I shall suggest the names when you accept my recommendation.

I would suggest the following mode of inquiry. I would like to have a central committee ; and that is the committee which I suggest in my Resolution,—a central committee to settle the plan of inquiry and to set up provincial and local committees to harness all local organisations to secure information. I do not think that the Honourable Mr. Lalubhai Samaldas's estimate of 20 years is anything like correct.

**The Honourable Mr. A. C. Chatterjee :** More like 50 years ?

**Mr. T. C. Goswami :** We want an inquiry into the present system of taxation ; in fact a system of taxation has yet to be created in India. There is no such thing as a " system " of taxation in India, and that is not created by a trip to Switzerland, even with letters of introduction from the Honourable Sir Basil Blackett ; but by studying the economic condition of the country in the country.

I notice that recently in America they are uneasy about their system of taxation. I find in the Proceedings of the Academy of Political Science a paper recently read by an eminent Professor, Mr. Thomas S. Adams, on this subject. He says that the Senate has suddenly awakened to the fact that all is not well with the Bureau of Internal Revenue. He further says, the Bureau of Internal Revenue is staggering and stumbling under the burden of income-tax largely because it is loaded and inexpertly distributed.

I do not deny—on the contrary, I very strongly affirm—that there is need for an inquiry into the methods of taxation. I do not want to call it a system of taxation because it is not a system of taxation ; but before you can have a real inquiry, as the Honourable Mr. Patel has very rightly pointed out—in order that you may have a real inquiry into taxation—you must have an economic inquiry. I know that it is a laborious process, very laborious indeed ; and that is a thing which I acknowledge. Not only that, I say the labours involved are very unlike the labours of other Commissions which we have experienced. The labours involved would be very much greater than, for instance, the labours involved in the Lee Commission, and it will engage, if the inquiry is going to be real, some of the best men of our country for months—probably for two years. I noticed

in the newspapers a report of a speech by the Honourable Sir Basil Blackett on this unfortunate Committee, in which he is reported to have said that he wanted to utilise the results of the Taxation Committee during his term of office. Well, I admire Sir Basil Blackett's solicitude for improving the country, but I venture to think that even if the results of the inquiry which I propose and which I think most of the Honourable Members of this House agree in proposing, do not come during the term of office of Sir Basil Blackett, it will not be such a great calamity for India.

Sir, pointed reference has been made in this House to the poverty in India, but recently we had Sir Alfred Mond's illuminating speech—in a London club was it?—about the wealth of India. Millions of pounds of jewellery used to be strewn on the tables of the Indian friends of Sir Alfred Mond. Well, Sir, I have known the Honourable Sir Basil Blackett in the past to have relied for his history and economics on such travellers' tales as the Memoirs of Bernier and the Memoirs of Tavernier. I do not know if he will base his further economic policy on the "traveller's tales" of Sir Alfred Mond. As for myself :

" I shall not want capital in Heaven  
For I shall meet Sir Alfred Mond,  
And we shall both lie together, lapt  
In a Five per cent. Exchequer Bond."

Sir, about poverty I should like to quote, though the time is very short, I should like to quote a passage from Mr. Gokhale's speech delivered in 1902 ; and though the time is short I think it will bear repetition. In that speech, delivered nearly a quarter of a century ago, from his place in the Imperial Council he emphasised the need for such an inquiry as I have proposed, and he says that such evidence as was available to him :

" I venture to say, points unmistakably to the fact that the mass of our people are not only not progressing but are actually receding in the matter of material prosperity. I have here certain tables compiled from official publications relating to (1) census returns, (2) vital statistics, (3) salt consumption, (4) the agricultural outturn of the last 16 years, (5) cropped area in British India, (6) area under superior crops, and (7) exports and imports of certain commodities ; and they establish the following propositions :

- (1) That the growth of population in the last decade has been much less than it should have been and that in some Provinces there has been an actual decline in the population.
- (2) That the death-rate per mille has been steadily rising since 1884 which points to a steadily increasing number of people being underfed.
- (3) That the consumption of salt which already in this country is below the standard required for healthy existence has not kept pace even with the meagre growth of population.
- (4) That the last decade has been a period of severe agricultural depression all over India.
- (5) That the net cropped area is diminishing in the older Provinces and that the area under superior crops is showing a regrettable diminution.
- (6) That the export and import figures tell the same tale, namely, that the cultivation of superior crops is diminishing and cattle are perishing in large numbers."

Well, I shall quote also official testimony. Sir Narasimha Sarma, in the Council of State, said :

" I am not going to disguise from this House my anxiety, as the Revenue Member, with regard to the food position and the distressing poverty prevailing among certain classes of the people. After all, at the present moment we have only a little over an acre of cultivated land per head of population."

[Mr. T. C. Goswami.]

Then, Sir, I will take the liberty of quoting Sir Basil Blackett himself on the subject. I believe this quotation has already been made by Mr. Rama Aiyangar. He said :

“ The existing poverty of a large number of the people is obviously also very great and no Government can with equanimity look on and not wish that they could do something to improve it.”

My complaint, Sir, is that Government are still looking on and I am afraid that Government as they are constituted will continue to look on without being able to do anything for the amelioration of poverty.

**Mr. President :** I would ask the Honourable Member now to bring his remarks to a close.

**Mr. T. C. Goswami :** Sir, by a curious oriental paradox, a retrenchment committee was succeeded by an extravagance committee. Money must be found, as Mr. Patel said, for the Superior Services, for making the lives of European officials a little more than comfortable, for laying out inducements for fresh shipments of embodied prestige, to secure that what is lost in prestige (as a result of political movements) is at least made up in perquisites. But while these men can always form trade unions—and I understand my Honourable friend, Mr. Chatterjee is bringing in a Trades Union Bill very soon—and can go on strike in protest against their starvation wages, or perhaps join Mr. Willson's firm where wages are paid running up to six figures, as he told us, it is hardly possible to ask the whole of the Indian population to go on strike or secure a remedy by seeking employment in my Honourable friend, Mr. Willson's firm. A future poet, perhaps it may be an English poet, will sing of the present constitution as “ broadening down from hypocrisy to bankruptcy.” The Lee Commission agitation has somewhat contradicted the late talk about the selfless zeal of English officials who come out to India at great sacrifice, to do good to the people of India.

Sir, my time is short and I shall not detain you any longer. But I repeat the proposition which has been challenged by Sir Basil Blackett on the authority of perjured history,—that impoverishment in India, if not a direct result of British rule, is a standing disgrace to this administration ; and I affirm this proposition solemnly—because I too have studied history as best as I have been able to—that the greatest indictment against British rule in India is not so much political—because for our political disabilities I am prepared to accept for my countrymen 75 per cent. of the blame—but I say the chief indictment against British rule in India is economic. Well, Sir, I shall not delay your luncheon ; and with these few words I move my amendment.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

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The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

**Mr. Ohaman Lall** (West Punjab : Non-Muhammadan) : Sir, I am sorry, Sir Basil Blackett is not here to listen to certain quotations that I have specially hunted up for his delectation.

**Haji Wajihuddin :** May I rise to a point of order, Sir. There is no quorum.

**Mr. President :** Attention has been drawn to the fact that there is no quorum. Mr. Secretary will ring the bell.

A quorum is now present. The Honourable Member may proceed.

**Mr. Chaman Lall :** Sir, I started by regretting the fact that Sir Basil Blackett is not here. I am glad to find him back in his seat. The Resolution that has been moved before the House deals with three very important matters. One is that the Assembly desires to have complete control over the personnel of the Taxation Committee. The second is that the Assembly desires to go into the economic aspects of India's exploitation. And the third is that we desire that the system of taxation should not be merely a method as Mr. Goswami pointed out but an actual scientific system ; such as in fact you will find prevailing in certain civilised countries of the world. The main argument that Sir Basil Blackett levelled against this Resolution was that there is no ground whatsoever for considering that India has really been impoverished by British rule. He stated that statements of this nature—that India has been persistently and consistently impoverished by British rule—are ridiculous statements ; that there is no warrant for such statements. Let me remind Sir Basil Blackett that not only Indian economists but economists of world-wide repute have laid it down that India has been consistently impoverished by British exploitation of this country. I call the attention of the Honourable Member to a statement by a certain gentleman of the name of Rev. William Tennant, who said : (*The Honourable Mr. A. C. Chatterjee :* " Never heard of him.") Mr. Chatterjee says he has never heard of him, I pity his ignorance. (*The Honourable Sir Basil Blackett :* " How many other Members of the House have heard of him ? ") (*The Honourable Mr. A. C. Chatterjee :* " Did you ever hear of him before ? ") If the Honourable Member has any pretensions to call himself an economist I daresay he has heard of a book called " Progress and Poverty " by Henry George. It is an elementary book which, I believe, is taught in elementary schools in which the quotation I am about to give is to be found.

**The Honourable Mr. A. C. Chatterjee :** It is out of date.

**Mr. Chaman Lall :** I am very sorry he has been to a British University and has never heard of that book.

**The Honourable Mr. A. C. Chatterjee :** It is 40 years out of date.

**Mr. Chaman Lall :** We have heard from the Honourable Member the latest figures about the present economic situation of India, and I am sorry to say he is 500 years out of date.

Sir, this is what the Rev. William Tennant says :

" When we reflect upon the great fertility of Hindostan, it is amazing to consider the frequency of famine. It is evidently not owing to any sterility of soil or climate ; the evil must be traced to some political cause."

This is what Lord Macaulay said in his essay on Lord Clive regarding the incidence of British rule in India :

" Enormous fortunes were rapidly accumulated at Calcutta, while millions of human beings were reduced to the extremity of wretchedness. They had been accustomed to live under tyranny, but never under tyranny like this. They found the little finger of the Company thicker than the loins of Surajah Dowlah. It resembled the

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government of evil geni, rather than the government of human tyrants. Sometimes they submitted in patient misery some times they fled from the white man as their fathers had been used to fly from the Mahratta, and the palanquin of the English traveller was often carried through silent villages and towns that the report of his approach had made desolate."

Here is a statement with regard to the present situation :

"To all that vast population the strong hand of England has given a more than Roman peace; the just principles of English law have been extended by an elaborate system of codes and law officers designed to secure to the humblest of these abject peoples the rights of Anglo-Saxon freemen; the whole peninsula has been intersected by railways, and great irrigation works have been constructed. Yet, with increasing frequency, famine has succeeded famine, raging with greater intensity over wider areas."

"The millions of India have bowed their necks beneath the yokes of many conquerors, but worst of all is the steady, grinding weight of English domination—a weight which is literally crushing millions out of existence, and, as shown by English writers, is inevitably tending to a most frightful and widespread catastrophe."

I daresay the Honourable Mr. Chatterjee has heard of Florence Nightingale. I think his history will go as far as that. This is what Florence Nightingale said :

"We do not care for the people of India. The saddest sight to be seen in the East—nay probably in the world—is the peasant of our Eastern Empire." And if the question is put, how this is relevant to the question in issue, I will reply in the words of Florence Nightingale herself, where she goes on to show the causes of the terrible famines, in taxation which takes from the cultivators the very means of cultivation, and the actual slavery to which the raiyats are reduced as the consequences of British rule.

May I, with your permission, Sir, give one more quotation, a recent one, not 40 years out of date. This is from Mr. H. M. Hyndman, the great socialist. What does he say? He says :

"The famines which have been devastating India are in the main financial famines. Men and women cannot get food, because they cannot save the money to buy it. Yet we are driven, so we say, to tax these people more."

Again, Mr. Hyndman says :

"The truth is that Indian society as a whole has been frightfully impoverished under our rule, and that the process is now going on at an exceedingly rapid rate."

I hope these quotations, Sir, are quite sufficient to convince the Honourable Sir Basil Blackett as well as the Honourable Mr. Chatterjee of the fact alluded to by us in India time and again, of which there has been no contradiction as far as I have seen except the vague sort of contradiction of the kind that Sir Basil Blackett has indulged in, namely, that India is becoming poorer and poorer day by day as a result of British exploitation of this country. What is it that we demand? We demand, because we know perfectly well that millions of our countrymen cannot get even a single decent meal a day—we demand that an inquiry should be instituted into the system of taxation, into the economic wrongs that are done to the people of India, into the famines that exist, into the methods that you adopt to extort and extract money from the people of India. It is not an illegitimate demand, it is not an unjust demand. It is a demand which we, the representatives of the people of India, are quite capable of making, and are justly making in this Assembly. To deny us that demand, and to go over our heads and appoint a Taxation Committee, three of whose members are unknown to us in this country, to the people of this country, we do not know whether we can trust them or not, these gentlemen who are

sitting in England,—and the other three whom you want to co-opt here in India, and whom you send on a roving Commission to England to discuss the financial and economic condition of this country—nothing could be more absurd than this that these gentlemen whom you appoint as members of the Taxation Committee should leave the shores of India and go to Whitehall to discuss the economic situation of the country. Let them come out to India. Let the representatives be the true representatives of this country whom we can trust. Let them be appointed here in India. Let them go into the villages. Let them go to the famine districts and examine the condition of the people. That is our demand. The Honourable Mr. Chatterjee wants probably some more recent figures and facts. He will find them in official records which perhaps he has never had time to read himself. If he reads the book issued by the Government of India known as “ Prices and Wages,” he will find some astounding facts indeed which will convince him that India is really an impoverished country, that India is a famine-stricken country, and that under British rule she has gone on in misery, poverty and desolation. Here is a miner’s wage in 1897. In 1897 .54 per ton was the wage of a miner. In 1922 it was .76 per ton. A very handsome increase in 25 years ! You ask us to give you more money for your Services which are better paid than probably any other service in the world, even after you had given the men an increase in 1920. Yet here is a miner, a man who produces the wealth of this country, here is a miner getting .54 per ton in 1897 and .76 in 1922.

**The Honourable Mr. A. C. Chatterjee :** .54 of what ?

**Mr. Chaman Lall :** .54 of a rupee, Sir. The Honourable the Finance Member is sitting next to him and he can ask that question of the Finance Member. Is this evidence of the increasing prosperity of India ? It is not. It is evidence of the utter bankruptcy of British rule in India. Let me take another example of what is known as an intermediate in a cotton mill. What was he getting in 1908 ? 16 rupees per month. What did he get in 1922 ? 18 rupees a month. Take a spare hand. He was getting in 1897 10 rupees. In 1922 he got 14 rupees per month. A spare hand got 12 rupees in 1897 and in 1922 he got just a little over 13 rupees per month. A wonderful display of prosperity in this country ! This country, Sir, is a very patient country. It is a country of patient fools and virtuous saints. If it were not a country of patient fools, British rule in India would have been an impossibility long before us. It is our great ambition to see that this country stands upon its own legs. You cannot do so unless and until you know really what the economic condition of the country is, and we are merely asking you to yield to the request that we are making as the representatives of the people, to give us a true, a proper, a just inquiry into the economic condition of the people of India. We do not want any trickery or any roguery in this. We want to be straightforward about this matter. We want to tell the world the truth about India. We want to tell the world the truth, the black truth about British rule in India, and it is for that reason that we demand this impartial, this representative inquiry. Sir, there is no doubt about it that there are various systems of taxation which have been tried in India, but there is one system of taxation which has not yet been tried, and it is because we want to investigate all the avenues of approach to that question that we want this representative inquiry,—I mean the taxation of land values. We have got in India landholders who are getting rich on the fat of the land. We have on the other hand poverty-stricken masses who are ground



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down by poverty. We do desire that the wealth of this country should be distributed in an equal fashion. We desire that this poverty should be eradicated from our soil. As has been said you may tax manufacturers, but the inevitable result will be that you will check manufactures. You may tax improvements, but the result will be you will lessen improvements. You may tax commerce with the result that you will prevent exchange. But if you tax land and if you investigate all the avenues of approach to this question, you will increase the prosperity of the country and you will turn the poverty-stricken masses into self-reliant, free human beings, not merely slaves as they are at the present moment.

Sir, it is a common saying that a great wrong always dies hard. But the great wrong that is being done to the people of India, the great wrong that is grinding us, the desperate poverty that is sending millions of human beings to their premature grave, unless you do something to remedy that wrong, unless you do something to do away with the present system of economic exploitation of this country, it can result in nothing else but a very bitter and a very dangerous struggle of which there is no knowing what will be the end.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : I had not intended to take part in this debate, for the very simple reason that my Chamber have already communicated their views to the Government of India regarding this Taxation Committee and I felt that I had hardly anything useful to add to this debate by any further remarks. But when I heard my Honourable friend the Finance Member at least for once quoting me with approval in spite of the allegations about my being spoilt with political colour about which the Chief Commissioner of Railways yesterday said such a lot to this House, I felt that it is an occasion when I must tell the House the whole story and not rest content with the House, knowing only portions of my speech in the other place as quoted by the Finance Member. Sir Basil did me the honour of quoting a portion of what I said in the Council of State. I will complete that with what I ended my speech with and I hope that will still retain to me his approval of the views that I there expressed. I ended in the Council of State with this as the last paragraph. I said :

“ I feel, Sir, that the day is still distant when this Council can give any support under any guise to the most fascinating proposition, to anything that will lead to or even smell of new taxation. We want retrenchment, we want a balancing of the budget with the present taxation, not any increase in it and until that is achieved, until there are surpluses, until indeed there is more contentment amongst those who are taxed, I do not think that this House can seriously consider any suggestion made with the best of motives in connection with taxation. For, the apprehension may be this, that there may be new avenues of taxation found and suggested recommended and perhaps accepted by the Government be it against the strongest opposition of these two Houses. What the Honourable Mover seeks is a readjustment of the whole thing but there may be thin years and there may be fat years. In the case of a thin year what may happen is that the new avenues of taxation may come and the readjustment may be put off for a better day, and in the case of Government treasuries all over the world, with all deference to the benches opposite, the readjustment when it is a question of giving on the part of Government, is long in coming.”

Sir, that was my conclusion on the Resolution moved in the other place by the Honourable Sir Maneckji Dadabhoi.

Now, this inquiry which is the subject matter of the discussion here is an inquiry for finding out better modes, and certainly further modes of taxation. There is no doubt about that, I have not heard anything, nor do I find anything in the terms of reference, which makes it compulsory on the Committee that the Government have nominated, to find out what it is that the people of India can stand. We have heard extreme views in this House regarding the prosperity or the misery of the masses of India. I do not wish to add one word more to these two extreme views that have been heard to-day, but this at least is clear from what has been expressed with so much force, with so much feeling, and if you like it with so much resentment by one side or the other, that we cannot go on very long without this House being in a position to know exactly what is the taxable capacity of the people of India and up to what point they could be taxed. I happen to be one of the deputation—now known as the commercial deputation urging retrenchment, which waited upon His Excellency. I then said that my electorate felt and that the Indian commercial community very strongly felt that the taxable capacity of the people of India had not only been then reached but had been exceeded. My esteemed colleague Sir Campbell Rhodes who led that deputation differed from me. Can we go on very long without having the inquiry of which is pressed on Government by my Honourable friend Mr. Goswami in his Resolution, and irrespective of the nature and the terms of reference to the Committee that has been already appointed. There is every reason to believe that this House sooner or later will insist upon having, and will not rest until it has had, a full inquiry into the taxable capacity of the people by persons who enjoy the approval of this House.

**Mr. H. Calvert** (Punjab : Nominated Official) : Sir, I propose to confine myself to that part of the amendment which relates to a proposal to have a thorough inquiry into the economic conditions of the people of India, their income per head and the general resources of the country. That amendment, Sir, is really in three parts. It asks first, for a general inquiry ; secondly it asks for an inquiry by the Government of India ; and thirdly, it says that the agency should be a committee including Members of this Assembly. Now, Sir, I am entirely in favour of an inquiry into economic conditions. I have myself been engaged in carrying on such inquiries for many years past, and a good many of my colleagues are also trying to throw some light on the general economic conditions of this country. But, Sir, with all due respect to the Government of India, I beg to say that I do not think that they are the proper agency for carrying on such an inquiry ; and, if Honourable Members will kindly excuse me, I should like to say that this Assembly is not the proper body to select the members of any committee for this inquiry. It seems to me, Sir, that this is very largely a matter for Provincial Governments. If an All-India inquiry is desired then the obvious body is the Indian Economic Association. It is rather curious that, although so many Members of this Assembly are prepared to speak on economic questions, there are very few of them, indeed, who are members of the Indian Economic Association. Now, Sir, my objection to an inquiry by a committee is that, as has been already said, it would take at least 20 years to arrive at results which would carry weight outside this country. Actually, in the Punjab, we have set up a Standing Board of Economic Inquiry divided into a rural and an urban section ; and this Board has been

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at work for about two or three years and is slowly producing results. Our policy there is to appoint investigators who are solely engaged upon collecting facts. We leave the readers of those reports to draw the deductions from them.

Now, Sir, in a general inquiry there would be three prominent dangers. There is the danger that the inquiry might be confined to too small a scope. India is such a vast country that any committee that set out to make a general inquiry might attempt to confine itself to too small a scope, and its deductions from the particular to the general would be vitiated by the fact that the premises were insufficient. Then, Sir, there is the obvious fallacy which appears in this amendment, the "average" income per head. There is a third fallacy which creeps into all these discussions, namely, we should try and inquire into the conditions of a typical tract or a typical village. Let me, Sir, illustrate what I mean by the danger of confining the inquiry to too small a scope. Our Standing Board of Economic Inquiry has practically brought to a conclusion an inquiry into mortgages of agricultural land. We took an assessment circle of 35 villages and have carefully gone through nearly 5,000 mortgages. The result of that examination is to bring out certain very definite, very clear conclusions. In so far as that area is concerned, those conclusions are irrefutable. But like every one else, I would hesitate to say that conclusions drawn from a detailed inquiry into 5,000 mortgages in one part of the Punjab would have any application, say, to conditions in other parts of the Punjab or Madras or Assam. Then, Sir, there is this danger about the "average" income per head. It is no comfort, for instance, to those friends of Mr. Patel, who, he says, have one meal a day, if we reply that the average number of meals in India is one and three quarters. An average applied to anything concerning human affairs is apt to be very misleading indeed. I shall give you, again, an illustration from an inquiry which I myself have just brought to a conclusion into the size and distribution of agricultural holdings,— the average agricultural holding in the Punjab is 8 acres. But when you examine the holdings by classes, you find that only 18 per cent. of the holdings fall into class 5—10 acres, while about 58 per cent. fall below that; and if we try to arrive at any estimate of average income per head, we should find that the vast majority of the people of India came below that estimate, and it would be perfectly valueless. We are actually trying detailed inquiries into what we try to think are typical tracts, and I hope very soon to be able to publish an estimate of the average income per head of a certain definite tract. That average income per head, although it may possess all the fallacies attaching to such averages, will be perfectly useless for any other part of India except the particular tract to which it applies. Now, Sir, Mr. Goswami would like us to arrive at an estimate of the average income per head, but he very carefully avoided explaining what he meant by "income". There is of course published in England a statement which enables you to deduce a figure for average income per head in Great Britain. That estimate is based on income-tax returns. But in England the number of assesses is something like 2½ millions, probably covering 10 million of the population, and the average income per head which is published occasionally is based on the incomes of those 2½ million people, the incomes of the remaining 35 million people, which are below the income-tax

limit, being merely guessed at. Where you have a very large number of assesseees, it is possible to make a mathematical calculation of the average income per head. Where as in India, you have a population mainly agricultural, with less than three lakhs of people declaring their income, it is practically impossible to arrive at any estimate whatever. Sir, the estimate which is given about income, and which one Honourable Member quoted, is only the money income ; it entirely ignores other sources of income which are not declared in the income-tax return. Now, Sir, if we take a simpler thing than the average income per head of the people of India, namely, the average production per person employed in any industry, then we can arrive at some useful figures. We can say, for instance, that the average gross production of persons employed in the Bombay cotton mills is a little over 1,100 rupees ; that is the gross production. The net production could easily be found out. We can say that the average gross production of miners employed in Indian coal mines is 415 rupees a year. We can say that the average gross earnings of railway employees is about 1,118 rupees per person employed. These figures, Sir, are useful, inasmuch as they explain why the nett income is so small. If the value of production per person employed is Rs. 415 per year, it is clear that the income of these miners must remain small, and similarly if the average gross production of all persons employed in cotton mills in India is Rs. 916 per head, then it is again clear that the real reason of the low income in India is the low standard of production. Now, Sir, it is quite easy to arrive at the average income per person employed in any particular and definite sphere. I can give the average income for the money-lenders of the Punjab. You can give an average income of the workers employed in the Bombay cotton mills. But that again would not give us the average income per head. For we have no knowledge of the dependents or of the number of idlers and beggars ; and these we must take into consideration ; all of whom bring down the average.

Now, Sir, there is one more objection to any attempt to arrive at any figure of the money income in this country, and it is that we have no means whatever of finding out the value of the work done by women. In a country like England, where women earn wages, it is possible to arrive at a rough estimate of women's work. In a country like India where wage-earning is almost entirely confined to men, it is perfectly impossible to take into consideration the work done by the women, household work, domestic duties, work in the fields, etc. We are trying in the Punjab to arrive at the average wages of labourers in rural areas expressed in money value. But supplementals are difficult to value, such as the value of free grazing, free site, free food, and other little amenities which come in in the life of a villager. We know perfectly well that we shall never arrive at any figure which is very correct, because you cannot put an accurate money estimate on things like that which are never priced in open market. Although I very strongly think the prosecution of further economic inquiry is essential, I do urge this House to leave the Government of India alone and impress on their Provincial Governments that they ought to do something on the lines we are doing in the Punjab, by setting up some competent men to form a non-official body—which will employ investigators and carry on these inquiries steadily from year to year, not merely have an *ad hoc* inquiry which is to sit for 20 years and then come to an end. After all, India is as large as Europe without Russia, and ever since the days of Adam Smith, there have

[Mr. H. Calvert.]

been in Europe a very large number of inquiries into economic conditions. And yet, Sir, as we all know, on an issue like protection, for instance, there is still very wide difference of opinion ; and if you come to the question of how best we could improve agriculture, you will find that practically no two economists will agree, even though inquiries have been going on there in thousands of places. So, Sir, I would request this House to reject that part of the amendment which calls for an economic inquiry by the Government of India, and I would ask Members to refer it to Provincial Governments and ask them for a permanent board of official and non-official members who should carry on the inquiry which we all desire.

**Sir P. S. Sivaswamy Aiyer** (Madras : Nominated Non-Official) : Sir, I wish to support this demand for an inquiry into the economic condition with a very few words. I do not altogether for the reasons which have been advanced by my friends here, but for reasons of my own. I am not wedded to any particular theory with regard to the ratio of taxation, nor have I any particular thesis to prove. It has been stated that the people have been taxed beyond their capacity. I do not wish to commit myself to any general statement of that sort. It has been said that India is getting poorer and poorer. I do not wish to subscribe to that belief. There have been several statements put forward from the platform, by the newspapers and by politicians at different times that India is getting poorer, that 40 millions of people are living on one meal a day or that the average income per head is Rs. 30 or Rs. 60 or Rs. 70. I do not wish to commit myself to anyone of these statements. General statements of this description are extremely fallacious. Unless and until we have a scientific inquiry into this subject of the economic condition of the people, it seems to me to be hazardous to indulge in general propositions of that sort. Nor do I believe that any conclusion as to the average annual income of the people in this country will furnish any reliable basis for taxation. It reminds me rather of the story of the man who, after ascertaining the average depth of a stream, attempted to ford it in the deepest part. These averages are most often misleading. They may be of use perhaps for some purposes, as for instance when you compare the average income with the average taxation. But for the practical purposes of the Legislature and of the authorities who have to impose taxation, what is required is not so much the question of average income as the income of particular classes. That is an inquiry which is beset, I know, with great difficulties and is one of great complexity. It is an inquiry which cannot possibly be satisfactorily concluded within a period of at least four or five years, to make a most cautious estimate. But all the same, in spite of the fact that the inquiry will have to be a prolonged one, I think it is an inquiry from which the Government ought not to shrink. I have no doubt that the Government will come out of the inquiry with credit. Poor as the country is and making allowance for all the ignorance, poverty and ill-health to which my friend Mr. Patel referred, I, for one, do not believe that we are getting poorer or that we are getting more ignorant or that there is more ill-health now than it was before. There is absolutely no ground for any apprehension on the part of the Government that the results of the inquiry will in any way be damaging to their reputation. The Government have been challenged so often to make such an inquiry, and its results will be so valuable and instructive as regards the general

condition of the people, that they ought not to lose any time in undertaking such an inquiry. Whether this inquiry should be entrusted to this particular Taxation Committee or should be started independently is another matter. With regard to the conduct of this inquiry, my own idea is that it requires investigation along many different lines. It requires the investigation of numerous subjects, as, for instance, prices, wages, rents, interest, trade indebtedness, industries, manufactures, agricultural holdings and methods, mobility of labour, standards of living, housing, clothing, and a number of other factors. The proper course would be to get together a body of experts, for instance, like the Economic Conference, and ask them to suggest the various lines along which information and statistics have to be collected, and give instructions to the Local Governments and to the various authorities to collect the required statistics and information along these various lines for a period of three or four years. When these results have been collected, then appoint a committee to go into the statistics and information, examine the relative weight of the different factors and come to definite conclusions. That in my opinion would be the proper course to pursue, not to ask this particular Taxation Committee or some other Committee to sit together and come to some definite conclusions on the spot. The statistics are not available, and the data have not been collected. In the interests of Government themselves they ought to take up this challenge which has been thrown down so often and so repeatedly and give the quietus to so many of the current fallacies.

Then with regard to this taxation inquiry I just wish to make a few remarks. At first sight I was rather inclined to look askance at this inquiry, and for this reason. Everybody knows that the sources of our public revenue are few and that they are inelastic. It may be urged then that this suggests the necessity for an inquiry into any further avenues of taxation which may be possible. But I am not very sanguine as to the results. I know that one avenue of taxation perhaps which has already been suggested to the Honourable Finance Member is the subject of death duties. I have no doubt that he is casting wistful eyes upon that source of revenue; but I know of none which would be more unpopular. Apart from that particular source of revenue, what I wish to point out is that at present, so long as Government remains irresponsible to the people, I have no inclination to place further revenues at the disposal of Government to swell the military expenditure or to allow them to be absorbed by further payments to the numerous Services, not merely Imperial but subordinate. They are always asking for more, and from the Imperial services the demand will spread to the Provincial and subordinate services and from the civil to the military. The more revenue you raise, the more liable it is to be swallowed up in payment to these Services. This was the reason of my reluctance to put more money into the hands of an irresponsible Government. On the other hand, the question of Provincial contributions has to be settled in the interests of the administration of India as a whole, and the fact that it cannot be solved unless you examine the system of taxation and the possibility of re-adjusting sources of taxation between the Imperial Government and the Provincial Governments have made me change my attitude somewhat. While I am not therefore in favour of suspending the inquiry by this Committee I think the Government ought to make up their minds to start the other inquiry into the economic condition of the people—an inquiry to be conducted on as scientific lines as possible and in a perfectly disinterested and detached

[Sir P. S. Sivaswamy Aiyer.]

spirit, so that we may arrive at correct conclusions with regard to the material progress of the people. The results of such an inquiry cannot fail to be of great value.

Sir, with regard to the desire to place taxation on a more scientific and equitable basis, I do not believe that the wit of man has ever yet succeeded in devising a thoroughly scientific, equitable and popular system of taxation. I do not think there is much that is wrong with the existing system of taxation, and I am pretty certain that any system of taxation you can devise will be equally unpopular and unacceptable. I am sure that among those who advocate this reform of taxation on a scientific and equitable basis a large majority hope that their burdens may be shifted on to their neighbour's shoulders, and that there are some who believe in a millenium when it will be possible to carry on a complex and civilized system of administration with a light or no taxation. I am afraid I cannot bring myself to entertain any of these opinions. But we are face to face with an urgent problem in regard to this question of Provincial contributions, and that is why I have reluctantly made up my mind not to oppose the inquiry into the present system of taxation, but to urge at the same time an inquiry into the economic circumstances of the country.

**Mr. H. G. Cocke** (Bombay : European) : Sir, I quite agree with the Honourable Member who has just sat down that if any inquiry is to be conducted at all into the question of the economic situation in India, it should be done, not by this Committee but by some other authority. Mr. Calvert has suggested that it would be far better done by Local Governments and local authorities, and I think that will prove to be the case undoubtedly. But the collection of statistics for a period of 3 or 5 years, as has been suggested, might be an exceedingly valuable preliminary to any definite inquiry whether undertaken by a Local Government or by a Committee appointed by the Government of India.

A considerable amount has been said to-day on the subject of averages, and I think the fallacy underlying many of the averages which have been suggested has been exposed by Mr. Calvert. One need only refer to the case of mill hands, where we will say the average income of a certain set of mill hands is Rs. 500 per annum, and compare their average income with that of an equivalent number of agricultural hands 10 miles away who live on their land with their own livestock. Any average income per head per annum arrived at from such essentially different kinds of labour would obviously produce a result which would be of very little benefit to anybody. The suggestion to suspend this Taxation Committee which has been appointed, purely because it does not deal with quite another matter, seems to be an absurd one, and I trust that part of the suggestion may be withdrawn. The powers of this Committee which has been appointed have been brought into question as well as the personnel of the Committee; but I think Sir Basil Blackett has made it perfectly clear that the powers which this Committee have are ample for the purpose in view; and as regards the personnel I do not think it does any good in this House to pick holes in the people who have been selected for this work. It is exceedingly difficult to get men who are really competent to undertake an inquiry of this sort; and the suggestion in the amendment that, of the Committee which it is proposed should take the place of the Taxation Com-

mittee, two-thirds of that Committee should be appointed by this Assembly seems to me a very foolish one. You have got to consider carefully who are the most competent people and I do not think this Assembly is the right tribunal to select experts of this sort. A suggestion was made in the Steel debate that this Assembly might appoint some of its number to go into the question as to the enhancement of the duties when that became necessary owing to a fall in exchange or rise in exchange or any other cause necessitating an alteration of the tariff that was fixed, and it was pointed out that that was essentially a matter for an expert committee such as the Tariff Board ; and in this case it is still more necessary I think to have an absolutely expert committee, which this Assembly could hardly be competent to select. When we hear in this House of the great poorness of this country, the miserable lot of the agriculturist and so on, and we are told that the British have done nothing to improve these conditions, one cannot help looking round the country and remembering the railways, ports, irrigation works and mills, which have obviously been a source of very great employment and profit to the community. I have considerable sympathy with the Finance Member ; on the one hand he is told that he is overtaxing the people, and on the other hand he is told that he does not raise sufficient money for the purposes of educating them. I have no great objection to the amendment as it stands, except to the first and last portion of it ; but I do not think all the same that this proposed Central Committee is the best way of getting the result which is desired.

**Sardar Gulab Singh** (West Punjab : Sikh) : Sir, I rise to accord my wholehearted support to the amended Resolution of my Honourable friend, Mr. Goswami. I am sorry that he has left out one most important point, namely, of investigating into the defects of the land revenue assessment. What I ask, Sir, is that the Committee of Economic Inquiry which is proposed to be established by the amended Resolution should, among other things, also investigate into the defects of the prevailing system of land revenue assessment. I understand, Sir, that the fundamental principle of the amended Resolution is that before the future policy of taxation is determined, a thorough inquiry should be made into the economic conditions of the country and no economic inquiry can, I submit, be complete which does not take special cognisance of the grave defects in the present system of land assessment in the country. Without their knowledge no financial policy can be satisfactorily determined.

I am sure it is too late in the day for me to endeavour to prove the obvious fact that our system of land revenue assessment is antiquated, primitive and defective and therefore deserves to be thrown into the scrap heap. It has been condemned since its inception by every sound statesman and thoughtful economist as one that cannot honestly be defended on any sound principles of scientific taxation. Sir William Digby and Sir Romesh Chandra Dutta who may be considered to have made not a mean study of economic conditions in India went to the length of asserting that the ever-recurring famines, the galling poverty of the people, and the ever-prevailing pestilences in great parts of the country, were all due to a great extent to the unsound methods of land revenue assessment prevailing in India. This may be an extreme view, but there is no ignoring the fact that the modern system is defective to the core. We who belong to rural areas, Sir, are very keen on this point, because it is impossible to fully



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explain the profound agrarian discontent which the continuance of this antiquated system of taxation is causing.

Adam Smith, the founder of modern finance, laid down four universally accepted canons of sound taxation, and I submit, Sir, not one of them remains unviolated if applied to our system. Ability, certainty, convenience, and economy, he considered the essential requisites of good taxation. And none of them, I submit, is seriously regarded by our administrators, whose sole guiding standard is profit.

The land revenue assessment system ignores the "ability to pay" of the subject. While in the case of the income-tax, abatement is allowed to incomes below Rs. 2,000, the poor debt-burdened farmer is forced to part with one half of his net profits even though they may be a mere fraction of the above amount. And yet the one who is so mercilessly ignored is, in season and out of season, trumpeted as the special ward of the bureaucracy. He that is ground like an oil-seed for profit is cleverly exploited on suitable occasions to justify political coercion. It is sometimes argued that the incidence of the tax is shifted from the cultivator to the urban population, and therefore the tax cannot be considered a burden on the tax-payer. C. F. Bastable who is an undoubted authority on modern finance, however, holds a very different view. Writing on the system of land revenue assessment prevalent in India, he remarks :

"As the system has been generally applied to societies in the customary stage, the pressure came on the cultivator, who is at once the producer and the chief consumer of the commodities."

No wonder the deep indebtedness of the cultivator has become a problem of baffling magnitude.

Secondly, except where there is a system of permanent settlement already in vogue, the assessments lack the element of certainty. In Northern India, particularly, fluctuations are unexpected and dangerous. Rates are increased exorbitantly by a single stroke of the executive pen. Recently 75 lakhs of rupees were levied as water-rate on the poor farmers in the Punjab by the Government of Sir Edward Maclagan on the eve of his departure without even the consultation of those who were expected most to suffer or their representatives in Council. The assessment remains uncertain in spite of the considered and definite opinions of His Majesty's Ministers and responsible administrators, expressed to the contrary times out of number.

In his despatch of 1862 (July 9th) Sir Charles Wood clearly stated that it was the opinion of Her Majesty's Government that :

"A settlement in perpetuity in all districts in which conditions absolutely required as a preliminary to such measure, or may hereafter be fulfilled, is a measure dictated by sound policy, and calculated to develop the resources of the country."

Again, Sir John Lawrence in his minute of July 5th, 1863, wrote :

"I recommend a permanent settlement because I am persuaded to believe that however much the country has of late years improved, its resources will be still more rapidly developed by the limitation of the Government demand."

Even as late as 1919 this grave defect was brought home to the members of the Joint Committee on Reforms, whose remarks deserve to be

quoted, although their advice in this respect seems to have been deliberately ignored.

“ They consider,”—*says the report*,—“ that the imposition of new burdens should be gradually brought more within the purview of the Legislature. And in particular .....they advise that the process of revising the land revenue assessments ought to be brought under closer regulation by Statute as soon as possible.....”

Again they remark :

“ The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined.”

Much water has flown since this clear advice was given, but the system of land revenue assessment remains substantially the same as the venerable Todar Mall left it in 1668.

The third requisite pointed out is convenience. I have no experience of other Provinces, but I can fairly speak for my own. It is my experience that the present system lends to more official tyranny and extortion, and affords to the officials and their underlings more opportunities and facilities for bribery and grab than any other system one can think of. Again the time of payment of revenue is most inconvenient for the cultivator, and leads in many cases to the involuntary indebtedness of the ryot.

Last of all the present system cannot be justified on the principle of economy. A study of the figures for gross revenue and cost of collection shows that approximately 20 per cent. of the revenue is spent on collection alone, leaving aside the expenses of administration. Besides, this calculation ignores the equal if not greater amount of personal assessment levied by the revenue officials for the replenishment of their domestic treasury.

This, then, Sir, is the system of Land Revenue prevalent in the country, and if it is not high time to investigate into its defects in order to mend it or end it, I ask when that time is going to come ? I have shown that the system is unsound, unscientific, uneconomical, uncertain, and inequitable, and the continuance of such a system in spite of the timely warnings we have given, may in time so deeply stir the placid depths of my agrarian fellow-subjects that their discontent may express itself in acts which all of us may sorely regret. I therefore request Honourable Members of this House to seriously consider the addition that I want to make to the amended Resolution and to give it their unanimous support, for thereby, they will be helping the cause of the masses whose spokesmen they really are. And I hope Government who also are the guardian of the toiling millions will endorse my amendment.

**Mr. President :** Amendment moved :

“ In the amendment of Mr. Goswami, after the words ‘ general resources of the country ’ to insert the words :

‘ and an investigation into the defects of the prevailing system of Land Revenue Assessment ’.”

**Mr. A. H. Lloyd** (Member, Central Board of Revenue) : I am afraid, Sir, that the House will perhaps not have much patience with a Member on the Government benches rising to intrude a few practical conclusions in a somewhat exalted political atmosphere. This is not the first time that a Member on this side of the House has thought it his duty to do so. But I think I am compelled to make a few observations in this

[Mr. A. H. Lloyd.]

direction as a member of the Central Board of Revenue, the constitution of which was referred to by the Honourable the Finance Member in his speech at the beginning of this debate. The Central Board of Revenue has been charged with the supervision of the administration of those taxes which are collected direct for the Central Government, or by the Central Government, and there also falls within the range of its duties the first handling of taxation questions in which points, whether of a conflict of interests or some other overlapping between the interests of two Provincial Governments or between the interests of the Central Government and those of a Provincial Government, arise; and in the comparatively brief space of time during which this Board has been in exercise of its functions, a considerable number of points have arisen which make it clear that the taxation inquiry referred to in the first part of the Honourable Mr. Goswami's amendment and of the Honourable Mr. Rama Aiyangar's Resolution is a matter of urgent necessity. The Honourable the Finance Member referred to one point only, that is to say, to the clash of interests between different provinces in the matter of excise revenue. I am aware that the Honourable Mr. Goswami, and I think, in fact, all Members of the House who have touched upon the subject, have expressed themselves as satisfied that there is need for an inquiry of some sort which would cover these points, and I do not, therefore, propose to elaborate this aspect of the matter at very great length, because to do so would be bringing a battering ram to an open door. But I think that I should mention a few matters in order to show that the case is really an urgent one. As I have said, the Honourable the Finance Member referred to the clash of interests between different provinces. Another very serious problem is the clash of interests between Provincial Governments and the Central Government in several directions, and in particular, in regard to the same matter of excise. The arrangements made, with the Reforms, in regard to revenue left the collection of a tax, that is to say, of customs duty on alcoholic liquors to the Central Government, and at the same time, left the collection of all other taxes upon alcoholic liquors, that is to say, the duty upon alcohol produced in the country and also license fees, to the Provincial Governments. The conflict of interests so created was obviously bound to lead at a very early date to serious problems. I may mention one or two. The Government of one province has in the Resolution covering the report of its Board of Revenue clearly stated that it was in order to compete with imported liquor that they reduced the rate of duty upon similar spirits made in the province below the tariff rate. Another province, the Central Provinces, which has declared prohibition to be the ultimate goal of its excise policy, has adopted the policy of enhancing the duty rates on spirits. It is a very unfortunate position when one province considers such a step necessary, while another province which is no doubt equally interested, I will not say in working towards a definite goal of prohibition, but at any rate in pursuing and developing the established policy of working for temperance, should in order to protect its revenue against encroachment by the Central revenues find it necessary to drop its duty. Another case which has arisen in connection with several provinces is the matter of the duty which is assessed on spirit used in making medicinal preparations and the like. I believe I am correct in saying that it began with the province of my Honourable friend Mr. Goswami. It has gone on elsewhere. These provinces have fixed a considerably lower rate of duty for such spirits than is fixed by the customs tariff. This is not, I think, so much a matter of trying to secure for the provincial adminis-

tration revenue which otherwise would go to the central administration as a measure of industrial protection. It was felt that certain firms which used such spirit in manufacturing medicinal preparations were at a disadvantage in competition with the imported preparations and so, as I say, it was a measure of industrial protection. Now, we in this Assembly are rather disposed to think that the policy of protection through tariff action is our own province ; and it is a matter at any rate for investigation whether some measures should not be taken to confine the activities of the various Governments to particular spheres in the matter of taxation. Then there is the question of income-tax. Income-tax has already shown signs of overlapping to some extent with certain provincial taxes. In Madras the High Court has held that the tax charged by the municipality on companies is a legitimate deduction from profits for the purpose of assessing our Central income-tax. Again there is the question of the amusement tax and income-tax. There is at least one large Turf Club in India which has to pay an amusement tax to the Provincial Government and that quite obviously is an instance of overlapping with the income-tax which it has to pay and does pay in large quantities to the Imperial exchequer. Other problems are the share which the provinces claim in the collections of income-tax. At present a proportion of the tax on the annual income in excess of the income assessed in 1920-21 is given to the provinces. And here again, not only is there a possibility of misunderstanding between the Central Government and Provincial Governments, but also the interests of two Provincial Governments may come into conflict. Many companies may have their offices established, for instance, in Bengal, in Calcutta, while their operations are conducted in another province, a tea company in Assam, a coal company in Bihar and Orissa. This particular question has been a matter, I think I am correct in saying, of *ad hoc* adjustments. But it is just because *ad hoc* adjustments create a most embarrassing body of case law which can lead to a great variety of false analogies, that the scientific inquiry which is now proposed is urgently necessary. I think therefore, Sir, that the first part of the Resolution moved by the Honourable Mr. Rama Aiyangar and the amendment moved by the Honourable Mr. Goswami, for the dissolution of the Taxation Inquiry Committee, fail to realize what a pressing problem this is.

As regards the general inquiry into the conditions of the masses of the people and into the possibility of raising the general level of prosperity, it appears to me that practically every speaker to-day has failed to take into account what the Honourable the Finance Member said as regards the action which the Government of India have already taken in this matter. The Government of India have no desire to shirk an inquiry of this sort. They are already in correspondence with Local Governments on the subject. Mr. Calvert has given very good grounds for disputing one point. It is a matter of opinion whether the inquiry can best be carried out centrally or locally. But the Government of India, as the Honourable the Finance Member has said, are quite prepared to undertake that inquiry, consider such an inquiry desirable if it can be undertaken, and have no desire to shirk it. The inquiry is an inquiry into the present economic conditions of the country. This is not the inquiry for which the Honourable Mr. Patel and the Honourable Mr. Chaman Lal press. It is perfectly clear from the remarks which have fallen from their lips that what they desire is an inquiry which will be conducted with the object, and—if they have

[Mr. A. H. Lloyd.]

their way in selecting the members of the Committee—with the result, of proving what dreadful things the British administration has done for India in the past. It may be for political reasons very desirable to these gentlemen that it should be proved that the British administration has been a curse to India, but that seems to me quite irrelevant to what is the present economic position in India, and,—if Sir Purshotamdas Thakurdas wishes what is the taxable capacity of the people to-day.... (*Sir Purshotamdas Thakurdas* : I think Mr. Patel and Mr. Chaman Lall also wanted it for the same purpose.) Sir Purshotamdas Thakurdas reminds me that Mr. Patel and Mr. Chaman Lall want it for the same purpose. I grant that they said so, but what I wished to say was that from the rest of their remarks it was quite clear that their object was another one. Again, the Honourable Mr. Patel said that in holding this Taxation Inquiry Committee now the Government of India were putting the cart before the horse. He said that what was wanted was to find out whether taxation could not be reduced. That means an inquiry whether expenditure cannot be reduced. Such an inquiry was held a year or two ago; the Honourable Sir Purshotamdas Thakurdas knows all about it. Demands have been made to reduce taxation. There is a limit beyond which taxation cannot be reduced. Several speakers on the opposite side appear to me to have failed completely to grasp the fact that this is not an autocratic despotism, that this is not the sort of Government that squeezes every penny it can out of the people for devotion to some unknown and unstated objects. Every penny which is spent out of the revenues of this country is accounted for, and the manner in which it is accounted for is brought to the notice of the Legislative Assembly, and a great deal of it is under their control. It seems to me curious that Members should have forgotten apparently that no taxation is collected beyond what is necessary for definite, real needs of administration. This is perhaps dragging me into the sphere of politics which I at the outset professed a desire to avoid. But I feel it necessary to mention this aspect of the matter, that the Government do not tax for the sake of taxing, and for the sake of some unknown beneficiary, in excess of the administrative needs of the country. I think I may leave it to the Honourable Mr. Cocks to point out as he has already done, that if the Honourable Mr. Patel considers that the British Government have not done enough to prevent epidemics of disease and to promote education, that is a measure of the extent to which they have failed to go as far as some people think they might have gone in imposing burdens of taxation upon the people of this country.

I, therefore, hope, Sir, that the House will realise that, whatever the need for a general economic inquiry, it is bound to be a matter, as the Honourable Sir Sivaswamy Aiyer has shown, which will involve a very prolonged and careful series of inquiries, and that the taxation Inquiry Committee's work cannot be postponed until after that other inquiry has been carried out.

**Mr. President** : I propose to adjourn now. This debate will be carried over to the 22nd, the next day for non-official Resolutions.

The Assembly then adjourned till Eleven of the Clock on Friday, the 19th September, 1924.

### ***CORRIGENDUM.***

In the L. A. Debates, Vol. IV, No. 51, p. 3356, line 19 from the bottom, for "the depressed classes by universal education, etc." read "the depressed classes. I suggest to the Government universal education, etc.".



# LEGISLATIVE ASSEMBLY.

*Friday, 19th September, 1924:*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### FIXATION OF AN ECONOMIC BASIC WAGE FOR INDIAN LABOURERS IN CEYLON.

2210. \***Diwan Bahadur T. Rangachariar** : (a) Are the Government aware that assisted emigration on a very large scale is now going on to the Colony of Ceylon ?

(b) Have the Government received reports from their Agents in Ceylon and Malay States regarding the economic condition of the Indian labour population there and on the question of the economic minimum wages in the plantations and will the Government be pleased to lay them on the table ?

(c) When do the Government expect to be able to secure the fixation of an economic basic wage in Ceylon ?

(d) What steps do the Government propose to take to get the Government of Ceylon to settle the question without any more delay ?

**Mr. J. W. Bhore** : (a) Yes.

(b) Yes, but since the matter is still the subject of correspondence with the Colonial Governments concerned the Government of India regret that they are unable to comply with the Honourable Member's request.

(c) and (d). The Government of India are anxious to have the matter satisfactorily settled as soon as possible and have impressed this fact on the Colonial Governments. In Malaya their Agent is at present engaged on a preliminary inquiry into the question of wages and the cost of living. The Government of Ceylon have already completed one such inquiry through their Assistant Director of Statistics, a copy of whose report has been placed in the Library for the use of Honourable Members. The general conclusions embodied in that report did not, however, appear to be satisfactory and the Colonial Government have been asked to undertake a more comprehensive inquiry.

**Sir Purshotamdas Thakurdas** : Is there any other Colony where an economic basic wage is fixed for Indian labourers ?

**Mr. J. W. Bhore** : I am not aware of it, Sir.

**Sir Purshotamdas Thakurdas** : Are Government in communication with the other Colonies to this end ?

**Mr. J. W. Bhore** : No, Sir. Not at present.

**Sir Purshotamdas Thakurdas** : What about Mauritius ?



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**Sir Purshotamdas Thakurdas** : What about Mauritius ?

**Mr. J. W. Bhore :** The question of Maritius depends to some extent upon the report of the officer whom, as the Honourable Member knows, we are proposing to send there.

**Mr. N. M. Joshi :** Has there been no permanent Agent of the Government of India in Mauritius so far ?

**Mr. J. W. Bhore :** No, Sir.

**Mr. N. M. Joshi :** Why not ?

**Mr. J. W. Bhore :** Because we did not consider that the questions that arise there at the present moment are of sufficient importance to demand the presence of a permanent Agent. But we are sending an officer to report and we hope that he will be able to dispose of outstanding questions.

**Mr. N. M. Joshi :** Is it not a fact, Sir, that the Government of India are making a large sum of money out of the emigration fees ?

**The Honourable Sir Basil Blackett :** Not that I am aware of.

**Mr. N. M. Joshi :** Will the Honourable Member inquire ?

**The Honourable Sir Basil Blackett :** I am sure it is not so large a sum as to make me desire to spend more money on making these inquiries.

**Sir Parshotamdas Thakurdas :** Is it not the settled policy of the Government now to press for a settlement of the minimum economic wages for Indian labourers wherever they emigrate ?

**Mr. J. W. Bhore :** I am afraid it is not possible for me to give a definite reply in regard to the settled policy of Government in this matter.

**Sir Parshotamdas Thakurdas :** Have not the Government of India decided to press for this question of the minimum economic wages yet ?

**Mr. J. W. Bhore :** We have certainly decided to press for it so far as Ceylon and the Straits Settlements are concerned. As regards Mauritius, the matter is under consideration at the present moment.

**Mr. N. M. Joshi :** Will the Government of India consider the question of minimum wages on the plantations in India ?

**Mr. President :** That question does not arise.

**Diwan Bahadur T. Rangachariar :** Is this emigration designed in the best interests of the country ?

**Mr. J. W. Bhore :** The Honourable Member's next question deals with this point.

#### PREVENTION OF EMIGRATION OF ADULT LABOURERS FROM MADRAS.

2211. **Diwan Bahadur T. Rangachariar :** (a) Have the Government taken steps to keep themselves periodically informed as to the numbers of labourers assisted to emigrate to Ceylon and to ascertain whether this inflow of labour injuriously affects the position of resident labourers in the Colony ?

(b) Are the Government of India or the Madras Government taking any steps to prevent emigration of adult labour in large numbers from that Presidency so that the Presidency may not eventually suffer from dearth of labour especially in view of the recent devastations by flood ?

**Mr. J. W. Bhore :** (a) The reply is in the affirmative.

(b) The reply is in the negative. The Government of India are not aware that any adverse effect on the local supply of labour has been produced by the efflux of labourers from South India to Ceylon ; and no representations that such effects are being produced have been received by them.

**Diwan Bahadur T. Rangachariar :** Is it to the credit of this Government that the people of this country should go out of this country to earn a wage of five annas per day ?

**Mr. J. W. Bhore :** That, I think, is a matter for the employers of labour.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, if the attention of the Government has been drawn to a paragraph in the newspapers to the effect that as many as 1,500 labourers from the Tanjore and Trichinopoly districts emigrated to Ceylon two or three weeks ago ?

**Mr. J. W. Bhore :** No, Sir. The attention of Government has not been drawn to this paragraph, but I have no reason to think that it is an exaggerated figure.

**Mr. N. M. Joshi :** Will the Government inquire why labourers from Madras go out in such a large number to Ceylon ?

**Diwan Bahadur T. Rangachariar :** Has there been any inquiry into the economic condition of the labour population in Southern India ? Do the Government consider it necessary to have one ?

**Mr. J. W. Bhore :** That is a matter with which the Government of Madras are primarily concerned.

**Mr. Chaman Lall :** Will the Honourable Member get an undertaking from the Ceylon Government that a minimum living wage will be given to the workers who go to Ceylon ?

**Mr. J. W. Bhore :** I have already said that the question of a minimum wage is at the present moment being considered in conjunction with the Government of Ceylon.

**Diwan Bahadur T. Rangachariar :** In one of the answers given by the Honourable Member, he referred to the employer. Does he consider that all the people who emigrate are employed under some other employers or are they a mere part of the population ?

**Mr. J. W. Bhore :** I think they are all part of the agricultural population, chiefly agricultural labourers.

**Diwan Bahadur T. Rangachariar :** Then what does the Honourable Member mean by saying that the question is one for the employers to consider ?

**Mr. J. W. Bhore :** I refer the Honourable Member to his question. I meant to say that if labourers got employment and proper wages here, they would not emigrate to Ceylon.

**Diwan Bahadur T. Rangachariar :** But, if they can find no employment, what do the Government propose to do ?

**Mr. J. W. Bhore :** I am sure, Sir, that Government cannot be expected to find employment for everybody and prevent those who want it from going in search of it.

SEPARATION OF THE ESTABLISHMENT OF THE LEGISLATURE FROM THE LEGISLATIVE DEPARTMENT.

2212. \***Diwan Bahadur T. Rangachariar** : (a) Will the Government be pleased to give detailed reasons why they refuse to give effect to the wishes of this Assembly for separating the establishment of the Legislature from the Law Department of the Government of India ? Are the Government aware that the late Law Member favoured such a separation ?

(b) If the reason is purely financial will the Government be pleased to state the estimated amount of extra cost involved by such separation together with the scheme ?

(c) Are the Government prepared to appoint a small Committee of the Legislature to work out a scheme for the said purpose of separation ?

**Sir Henry Moncrieff Smith** : (a) The reasons for the decision which Government have for the time being reached in this matter were stated in my reply to Mr. Neogy's question No. 9 on the 1st February, 1924. The late Law Member's views on the subject were expressed in public pronouncements from which the Honourable Member can draw his own conclusions.

(b) The reasons are not purely financial.

(c) As at present advised, Government do not propose to appoint a Committee of the nature proposed.

**Diwan Bahadur T. Rangachariar** : Is it the intention of the Government to put this Assembly on the same footing as the British Parliament in England ?

**Mr. N. M. Joshi** : May I ask, Sir, the reasons which have actuated the Government not to separate these two departments ?

**Sir Henry Moncrieff Smith** : I would refer the Honourable Member to part (a) of the answer which I have just given.

**Diwan Bahadur M. Ramachandra Rao** : What is the cost involved and what is the exact answer to part (b) as it stands ?

**Sir Henry Moncrieff Smith** : The exact answer to (b) is that the reasons are not purely financial. As to the cost involved, no definite scheme has been worked out from which an estimate of the cost could be framed.

**Diwan Bahadur T. Rangachariar** : Do the Government consider that the other reasons are so confidential that they are not at liberty to divulge them ?

**Sir Henry Moncrieff Smith** : The reasons are not confidential, and I have already given them in my reply to a question by Mr. Neogy on the 1st February.

**Mr. Gaya Prasad Singh** : Will Government be pleased to lay on the table the opinion of the Law Member on the subject ?

**Sir Henry Moncrieff Smith** : The Law Member stated his opinion in this House, I think.

**AMALGAMATION OF THE POSTS AND TELEGRAPHS DEPARTMENT WITH THE RAILWAY DEPARTMENT.**

2213. \***Mr. Amar Nath Dutt** : (a) Is it a fact that the recommendation of the Retrenchment Committee was to the effect that the P. and T. and the Railway departments should be combined into one Department of the Secretariat with a Financial Adviser to help that Department ?

(b) Will the Government be pleased to lay before the House all the reasons for not carrying out of that recommendation ?

**The Honourable Sir Basil Blackett** : (a) The answer is in the negative.

(b) The question does not arise.

**POSTS AND TELEGRAPHS DEPARTMENT.**

2214. \***Mr. Amar Nath Dutt** : (a) Is it a fact that the old P. W. Department had a separate Branch, namely, Posts and Telegraphs ? and

(b) that after the dissolution of that Department the Posts and Telegraphs Branch in a diminutive form has been added to the office of the D. G. P. and T. as a separate secretariat branch, and that this has added to the cost of establishment of that office ?

**The Honourable Mr. A. C. Chatterjee** : (a) Yes.

(b) Yes, there being a considerable net saving to Government by the change.

**GRANT OF THE STATUS OF SECRETARY TO GOVERNMENT, TO THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

2215. \***Mr. Amar Nath Dutt** : (1) Was any consideration given by the Retrenchment Committee as to whether the old arrangement of submitting all financial and administrative proposals through the P. and T. Secretariat Branch caused delay and circumlocution which would be avoided if the D. G. P. and T. was given the status of a Secretary to the Government of India with a Financial Adviser to help him ?

(2) Was it held (a) that with a Financial Adviser attached to the Department of P. and T. it would seem quite unnecessary to have to refer cases concerning finances to an administrative Department of the Government of India ?

(b) that it was superfluous to introduce an intermediate Secretariat to express their opinion on such proposals ?

(c) that in very few administrative cases was the intervention of the P. W. D. Secretariat really necessary ?

(d) that there was no doubt that if the D. G. P. and T. was given the status of a Secretary a very great deal of circumlocution and delay would be avoided ?

(e) that additional work however thrown on the D. G. by that change of status would be more than compensated for by the relief from writing notes to the administrative Department and dealing with those which he receives from it ?

(f) and that though it would have added a great deal of additional responsibility to the already responsible post of the D. G. P. and T. his

work would have been greatly facilitated by the improvement in his status and his freedom from interference ?

(3) Is it a fact that though practically and partially the work of the office of the D. G. P. and T. has according to the new condition been arranged in the manner as proposed by the Retrenchment Committee the status of the D. G. has not been changed rather his office has been burdened with a Secretariat Branch, forming separate records of its own copied from the D. G.'s office files ?

**The Honourable Mr. A. C. Chatterjee :** (1) and (2). The Government of India are unaware of the precise considerations taken into account by the Retrenchment Committee, except in so far as these can be gathered from the terms of their report. They do not infer from that report that the Committee entertained the views suggested by the Honourable Member.

(3) The status of the Director-General has not been changed. The Secretariat Branch is not employed in the manner suggested by the Honourable Member.

#### TRANSMISSION OF LOTTERY NOTICES AND TICKETS THROUGH THE POST OFFICE.

2216. **\*Dr. S. K. Datta :** Has the attention of Government been called to the fact that the Indian Post Office is being used for the transmission from Native States into British India of notices of lotteries and lottery tickets ? If so, will Government state whether such usage is contrary to law ? If not contrary to law, are Government prepared to amend the Post Office Act so as to render the transmission of lottery notices and tickets through the mails illegal ?

**The Honourable Mr. A. C. Chatterjee :** Government are not aware that the Indian Post Office is being so used. A rule issued under the Post Office Act already exists prohibiting the transmission by post of circulars relating to lotteries, and this prohibition is held to cover lottery tickets containing or accompanied by a communication or advertisement of any kind relating to the transaction.

**Dr. S. K. Datta :** Will the Honourable Member make inquiries if I hand him envelopes containing such notices of lotteries ?

**The Honourable Mr. A. C. Chatterjee :** If the Honourable Member will give me full details I shall certainly be very glad to make inquiries.

#### DISCUSSION IN THE ASSEMBLY OF THE INSTRUCTIONS TO THE INDIAN REPRESENTATIVE AT THE CONFERENCE ON THE CONTROL OF THE OPIUM TRAFFIC.

2217. **\*Dr. S. K. Datta :** (a) Has the attention of Government been directed to a Reuter's message, dated London, August 27th (regarding the forthcoming Conference on the Control of the Opium Traffic called by the League of Nations) in which the following appears :

“ Sir John Jordan, on behalf of Britain submitted a suggestion that the quantity of Indian opium exported to the States regulating opium-smoking should be reduced by 10 per cent. per annum, for 10 years and then the Government of Japan and Siam and Powers with possessions in the Far East should be requested to reduce their consumption of opium at the same rate. As however the suggestion was opposed on behalf of India it does not appear as a Resolution.”

(b) Will Government state on whose authority was the suggestion opposed by the representative of the Indian Government ?

(c) Will Government in view of the Hon'ble the Finance Member's reply to starred question 1248 (5th June 1924) give this House an opportunity of discussing the instructions to the representative of the Government of India at the Conference on the Control of the Opium Traffic ?

**The Honourable Sir Basil Blackett :** (a) Yes.

(b) I do not think it is correct to say that Sir John Jordan put up any such proposal on behalf of Britain. The opposition of the Government of India is not to the reduction of consumption in the opium-consuming countries but to the suggestion that India should reduce her export in order to bring pressure to bear on the consuming countries. It is for the Governments of the consuming countries to put their house in order and the Government of India are not prepared to interfere in their internal affairs. If the Governments of the consuming countries reduce their demands of their own accord, the Government of India will raise no objection whatsoever.

(c) I am in hopes that the ballot for the next private Resolution day will help to solve the difficulty. I should welcome a discussion.

**Mr. Gaya Prasad Singh :** May I know if the opinion of the " representative of India " is the opinion of the Indian Government or the opinion of the people of India ?

**The Honourable Sir Basil Blackett :** I am not aware that there is any distinction.

**Mr. Chaman Lall :** In view of the Honourable Member's statement will the Honourable Member be pleased to give this House the date on which Dominion status was granted to India ?

**The Honourable Sir Basil Blackett :** If the Honourable Member will put that question down I will have it answered.

FARIDPUR STATION, EASTERN BENGAL RAILWAY.

2218. \***Mr. Alimuzzaman Chowdhry :** Will the Government be pleased to state :

(a) When Faridpur station (E. B. R.) was shifted to its present site ?

(b) Is there any building with adequate accommodation for offices and passengers ?

(c) If the answer be in the affirmative what is the dimension of such building or buildings ?

(d) Is there any platform ?

(e) Is it a fact that Faridpur is the headquarter station of a district ?

(f) What is the daily average number of passengers :

(i) inward,

(ii) outward.

(g) What is the daily average income from passengers and goods ?

**Mr. A. A. L. Parsons :** (a) In September 1916.

(b) Yes, but accommodation is temporary in consideration of the possibility of erosion by the river.

(c) Dimensions are :—Station master's office 336 sq. ft., telegraph office 144 sq. ft. and waiting shed 200 sq. ft.



the "profit" of Rs. 24 lakhs which was mentioned in the Profit and Loss account placed before the Assembly with the Budget for the current year is expected to materialise as an actual commercial profit on the working of the Department ?

**The Honourable Mr. A. C. Chatterjee :** Considerable progress has been made towards the commercialisation of the accounts of the Post and Telegraph Department and it is expected that a proper commercial profit and loss account will be placed before the Assembly when the Budget for 1925-26 is presented. It seems probable from the investigations already carried out that, when all proper debits and credits have been made, the Department will be found to be working at an appreciable loss instead of a profit.

**Sardar V. N. Mutalik :** Do Government intend to separate the accounts of the Post and Telegraph Department ?

**The Honourable Mr. A. C. Chatterjee :** There will be separate accounts for the Post and Telegraph Department.

**Sir Purshotamdas Thakurdas :** Is it the Postal Department that is working at a loss ?

**The Honourable Mr. A. C. Chatterjee :** My reply referred to the combined activities of the Post and Telegraph Department.

**Sir Purshotamdas Thakurdas :** Will the Honourable Member say how the two departments separately will work out ?

**The Honourable Mr. A. C. Chatterjee :** I cannot say at the moment.

**Sardar V. N. Mutalik :** Will the Honourable Member tell us what system is followed with regard to these accounts ?

**The Honourable Mr. A. C. Chatterjee :** The system will take a whole volume to describe.

#### ALLEGED MALPRACTICES OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY.

2224. **\*Mr. M. Yusuf Imam :** (a) With reference to reply given to Mr. Gaya Parsad Singh M.L.A.'s question No. 765, dated 13th March 1924, with regard to malpractices of certain employees and the reselling of tickets Nos. 92, 93 and 94 of Raghunathpore, will the Government be pleased to state if the newspapers referred to in the question have since been received and passed on to the Agent stating the nature of the action to be taken ?

(b) Will the Government be pleased to inquire what prevents the Railway Company from taking action under section 112 of the Indian Railway Act if the reselling of the tickets is correct ?

**Mr. A. A. L. Parsons :** (a) The newspapers have been received and passed on to the Agent, as promised in reply to question No. 765 on 13th March, 1924.

(b) The matter is within the competence of the Agent and Government do not propose to intervene.

**RAILWAY DISASTER NEAR HARAPPA ON THE NORTH-WESTERN RAILWAY.**

2225. \***Khan Bahadur Ghulam Bari** : (a) Are the Government aware of a dreadful collision of two express trains between Harappa and Mirdad Muafi Stations on the N. W. Railway ?

(b) Will the Government be pleased to state the total number of casualties ?

(c) Will the Government be pleased to state the cause of such a disaster ?

(d) What steps do the Government propose to take in future to avoid such heavy loss of life and misery ?

**Mr. A. A. L. Parsons** : The Honourable Member is referred to the reply given in this Assembly on 10th September, 1924, to Diwan Bahadur M. Ramachandra Rao's question, which was supplemented by a reply I made on the following day.

**INCREASE IN THE NUMBER OF GAZETTED MUSLIM OFFICERS IN THE PUNJAB INCOME-TAX DEPARTMENT.**

2226. \***Khan Bahadur Ghulam Bari** : (a) What is the proportion of Muslim Income-tax officers in the Punjab Income-tax Department as compared with non-Muslim officers ?

(b) How many Muslim Assistant Commissioners of Income-Tax are there in India ?

(c) What steps do the Government propose to take to increase the number of gazetted Muslim officers in the Punjab Income-tax Department, to give effect to the policy enunciated by Sir Malcolm Hailey in the Legislative Assembly ?

**The Honourable Sir Basil Blackett** : (a) Out of 26 Income-tax officers in the Punjab, five are Muhammadans.

(b) There are three Muslim Assistant Commissioners in the major provinces where special income-tax staff is working.

(c) The appointments of Assistant Commissioners of Income-tax and Income-tax officers are made by the Commissioners of Income-tax with the approval of the Local Government concerned, and the Government have no doubt that, with due regard to the efficiency of the Income-tax Department, effect is given by the Commissioners to the policy enunciated by Sir Malcolm Hailey in the Legislative Assembly.

**Lala Duni Chand** : May I know what reply has been given to the question of my friend as to the amount of the income-tax paid yearly by Muslims and non-Muslims ?

**The Honourable Sir Basil Blackett** : If I had heard that question I would probably have asked for notice of it.

**Lala Duni Chand** : Do the Muslims suffer by reason of the fact that there are not as many Muhammadans in the Income-tax Department as my friend would wish them to be ?

**The Honourable Sir Basil Blackett** : The answer is I think in the negative.

**PRIVILEGES ALLOWED TO MESSRS. SPENCER AND CO'S. EUROPEAN RAILWAY  
REFRESHMENT ROOMS.**

**2227. \*Mr. T. C. Goswami :** (a) Is it a fact that the following privileges are allowed to the European refreshment rooms maintained by Messrs. Spencer & Co., Madras :

- (1) free carriage over the railway of all furniture belonging to the European refreshment rooms ;
- (2) carriage of other articles needed for the use of the Refreshment rooms at  $\frac{1}{4}$  the rates charged from the public ;
- (3) free carriage of aerated waters, ice, etc., needed for the Refreshment Rooms ;
- (4) free light, etc.,
- (5) telegram, free of charge ?

(b) Are similar privileges given in regard to Indian refreshment rooms ? If not, what are the reasons for this differential treatment ?

**Mr. A. A. L. Parsons :** Inquiry is being made and the information will be furnished to the Honourable Member in due course.

**Mr. N. M. Joshi :** May I ask if the information will be made available to the House ?

**Mr. A. A. L. Parsons :** I have no objection. I gave the answer in this form because I did not think the matter was of sufficient importance to print, but if you desire this particular information, I have certainly no objection.

**Mr. N. M. Joshi :** Yes, I do desire that this information should be given to the House.

**RETRENCHMENT IN THE ARMY ESTIMATES FOR 1924-25.**

**2228. \*Sir P. S. Sivaswamy Aiyer :** Will the Government be pleased to state whether the scrutiny of the Army Estimates for 1924-25, by a sub-committee of the Executive Council has been completed and, if so, whether any, and, what retrenchment has been effected in the same ?

**The Honourable Sir Basil Blackett :** As I stated in reply to a question by my Honourable friend Mr. Gaya Prasad Singh, the Sub-Committee was engaged in examining the probable military expenditure for 1925-26. This preliminary scrutiny has been completed, but at this date the results are naturally provisional and I cannot say more than that it is hoped that the established charges of the military estimates will show a further reduction in 1925-26.

**INCREASE IN THE PAY AND ALLOWANCES OF BRITISH OFFICERS AND OTHER  
RANKS IN THE ARMY IN INDIA.**

**2229. \*Sir P. S. Sivaswamy Aiyer :** (a) Will the Government be pleased to state whether there has been a fall or rise in the cost of living in British India since 1919, and whether the Government have any intention of applying the principle of adjustment in accordance with a fluctuation in the cost of living announced in the British Army Order 324 of 1919 and referred to in the Anderson Committee's Report of July 1923 ?

(b) Will the Government be pleased to state whether proposals are under consideration for increase in the pay and allowances of British officers and other ranks in the Army in India, and, if so; will the Government be pleased to furnish details of such proposals, the total additional cost involved, the stage reached by such proposals, and, the date from which the said proposals are intended to come into effect ?

**Mr. E. Burdon :** (a) and (b). Such information as the Government of India possess on the point goes to show that there has been a rise in the cost of living for Europeans in British India since 1919. As regards the remainder of the question and in so far as it relates to officers, I would invite the Honourable Member's attention to the reply given on the 15th instant to starred question No. 1883. There are no proposals under the consideration of the Government of India for the revision of the pay of British other ranks.

**Diwan Bahadur T. Rangachariar :** When was this inquiry made ?

**Mr. E. Burdon :** I made no reference to any inquiry ; I said such information as the Government of India possessed showed this.

**Diwan Bahadur T. Rangachariar :** Will the Honourable Member lay the information on the table ?

**Mr. E. Burdon :** I do not think the information is in a form in which it can be placed on the table.

#### REDUCTIONS OF INCREASES IN THE BRITISH AND INDIAN ARMY ESTIMATES SINCE 1920-21.

2230. **\*Sir P. S. Sivaswamy Aiyer :** Will the Government be pleased to furnish a comparative statement showing the reductions or increases in the British and Indian Army Estimates, from year to year, since the year 1920-21, with regard to :

- (A) The strength of the fighting units.
- (B) The strength of the Ancillary Services.
- (C) The strength of the Territorial Forces.
- (D) The strength of the Reserves.
- (E) The number of equipped hospital beds, the number of R. A. M. C., and I. M. S. officers and the number of nurses, provided for.

**Mr. E. Burdon :** I will furnish the Honourable Member separately with certain statements which contain the information desired by him in so far as the years 1921-22 to 1924-25 are concerned.

I may mention that most of this information is already given in the budget estimates for these years.

The figures for the year 1920-21 are not available in a connected form and I am afraid I cannot undertake a special compilation. I hope the Honourable Member will find sufficient the very considerable statistics with which I am otherwise providing him.

#### DEPUTATION TO ENGLAND OF AN OFFICER IN CONNECTION WITH THE SETTLEMENT OF THE AMOUNTS IN DISPUTE BETWEEN HIS MAJESTY'S GOVERNMENT AND THE GOVERNMENT OF INDIA.

[ 2231. **\*Sir P. S. Sivaswamy Aiyer :** With reference to the statement of the Finance Member on the 1st February 1924, regarding the outstanding financial questions between the Government of India and the

Imperial Government, will the Government be pleased to state whether they have any intention of adopting the suggestion made during the Budget session of 1924 that they should depute an officer of suitable qualifications and status for a personal discussion and negotiation of the terms of settlement with the Imperial authorities ?

**The Honourable Sir Basil Blackett :** I have in fact already answered this question in reply to a private notice question on September 5th by Mr. Rangaswami Iyengar. The Honourable Member will no doubt be pleased to note that this suggestion has been adopted.

#### REDUCTION IN THE STAFF OF ARMY HEADQUARTERS.

**2232. \*Sir P. S. Sivaswamy Aiyer :** Will the Government be pleased to state whether the reductions recommended by the Innes Committee in the staff of the Army Headquarters have been fully carried out ?

**Mr. E. Burdon :** The Committee presided over by the Honourable Mr. (now Sir) C. A. Innes recommended that the establishment of officers at Army Headquarters should eventually be reduced so as to effect a saving of Rs. 8.13 lakhs and that the establishment of clerks should be reduced to effect a saving of Rs. 9 lakhs. The Indian Retrenchment Committee endorsed the recommendations of the Innes Committee in so far as they related to officers ; but, realising that an immediate reduction to the extent required was not possible, recommended that during the year 1923-24 the provision for officers at Army Headquarters should be reduced by at least Rs. 4 lakhs. As regards clerks, the Retrenchment Committee did not accept in their entirety the views of the Innes Committee and recommended that the provision for clerks should be reduced by 2 lakhs.

As regards officers, reductions have been made which will give a saving in cost of Rs. 4 lakhs a year. It is hoped to make further reductions in 1924-25 and 1925-26. In regard to clerks, effect has been given to reductions which will yield an annual saving in expenditure of about Rs. 2 lakhs.

#### ADOPTION OF METHODS FOR SECURING SUITABLE INDIAN CADETS FOR SANDHURST.

**2233. \*Sir P. S. Sivaswamy Aiyer :** Will the Government be pleased to state whether :

- (1) Their attention has been drawn to the recommendations of the Haldane Committee on the education and training of officers of the Army ?
- (2) In view of the unsatisfactory character of the Indian cadets entered at Sandhurst, they have consulted any non-officials with regard to the best methods of securing educated candidates of a suitable type ?
- (3) They are prepared to appoint a Committee of officials and non-officials to advise them as to the methods to be adopted for securing a supply of suitable candidates ?
- (4) They will be pleased to furnish particulars of the new form of examination which has been adopted for admission of cadets to Sandhurst and Woolwich, and of the scheme recently prepared by the Imperial General Staff with the

object of providing various channels of admission into the commissioned ranks, and stimulating the flow of university candidates, and attracting young men of ability, attainments, and ambition into the Army ?

**Mr. E. Burdon :** (1) Government have seen the Committee's report.

(2) I am very far from being prepared to admit, in the general terms used by the Honourable Member, that the character of the Indian cadets entered at Sandhurst is unsatisfactory. The answer to the latter part of the question is that Government have not so far formally consulted non-official opinion, save to this extent that non-official Indians are associated with the Committees appointed by the Local Governments to nominate candidates for Sandhurst.

(3) I will see that the suggestion here made receives consideration.

(4) Particulars of the scheme to which the Honourable Member refers have not been received in India. Government understand that new regulations are now in the process of being compiled at the War Office.

#### RESOLUTIONS OF THE ASSEMBLY ON THE ESHER COMMITTEE'S REPORT.

2234. **\*Sir P. S. Sivaswamy Aiyer :** With reference to my Resolution moved on the 4th of July 1923, regarding certain Resolutions of the Assembly on the Esher Committee's Report, will the Government be pleased to state whether the Secretary of State has since passed any orders accepting these Resolutions, and, if not, what steps have been taken by the Government of India to urge the points on the Secretary of State ?

**Mr. E. Burdon :** The answer to this question is very long and very obscure unless it is read with the replies to previous questions, which are quoted, and with your permission I will lay it on the table.

The contents of the four earlier Resolutions, which formed the subject of the Honourable Member's Resolution referred to in the present question were analysed in the statement which was laid on the table of this House on the 2nd July 1923 in reply to starred question No. 55. I will deal *seriatim* with the items mentioned in that statement.

*Items 1 and 7.*—A further representation has been addressed to the Secretary of State on the subject of the admission of Indians to the commissioned ranks of the Royal Artillery, Royal Engineers, and the Royal Air Force, and on the subject of increasing the number of King's commission in the army granted annually to Indians. The question of the measures to be adopted for the recruitment and training of Indians as officers of the Royal Indian Marine was examined by the Indian Mercantile Marine Committee, whose report is at present under the consideration of the Government of India.

*Items 2 to 6.*—No further action of a specific character and no further reference to the Secretary of State are required in regard to those items.

*Item 8.*—No further action of a specific character is at present required in regard to this item.

*Items 9 and 10.*—The position remains unaltered.

*Item 11.*—A Committee has been appointed under a Resolution of this House to inquire into the question of improving the organization of the Territorial Force.

*Item 12.*—Effect has been given to this recommendation.

*Item 13.*—There is nothing to add to the information previously given, and I think my Honourable friend is fully acquainted with the present position. I may perhaps invite his attention to the reply given on the 1st February 1924 to starred question No. 40.

*Items 14 and 15.*—The position remains unaltered.

#### REORGANISATION OF THE ROYAL INDIAN MARINE.

2235. \***Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to furnish details of the scheme for the reorganisation of the Royal Indian Marine into a combatant service, and state whether the scheme has been sanctioned, and whether it includes proposals for the training and employment of Indians as seamen and officers.

**Mr. E. Burdon** : The proposals are under consideration and the Government of India are not yet in a position to furnish any details regarding them.

#### ESTABLISHMENT OF A MILITARY COLLEGE AT BANGALORE.

2236. \***Sir P. S. Sivaswamy Aiyer** : Have the Government considered the desirability of establishing at Bangalore an institution like the Prince of Wales Military College at Dehra Dun for the training of boys for admission to Sandhurst.

**Mr. E. Burdon** : The answer is in the negative.

**Diwan Bahadur T. Rangachariar** : Will the Government consider the desirability of doing this, if they have not already done so ?

**Mr. E. Burdon** : No, Sir. I may as well tell the Honourable Member frankly that there is at present no intention of establishing another Dehra Dun. Our first expansion will be in the direction of enlarging the Dehra Dun school itself.

**Sardar V. N. Mutalik** : Do Government feel that one is sufficient for the purpose ?

**Mr. E. Burdon** : It is amply sufficient for our present needs. A larger school at the moment would produce more cadets than we can find employment for within the limited number of commissions available.

**Sardar V. N. Mutalik** : Are Government aware that the Dehra Dun institution is very inconvenient to persons coming from the southern side of India ?

**Mr. E. Burdon** : I know that Dehra Dun is a considerable distance from Southern India, but I also know we have no lack of candidates for the Dehra Dun College.

#### EXCLUSION OF BURMA FROM RECOMMENDATIONS MADE BY THE TARIFF BOARD IN REGARD TO PROTECTIVE DUTIES.

2237. \***Mr. W. S. J. Willson** : Will it be within the sphere of the Tariff Board to exclude Burma from any recommendations they may make in regard to protective duties ?

**The Honourable Sir Charles Innes :** If the Tariff Board desires instructions on the point raised by the Honourable Member, it will no doubt ask for them. It has not done so yet.

**Mr. E. G. Fleming :** Has the suggestion the Burma Chamber of Commerce made to the Local Government, namely, that the most equitable way of dealing with the increased duties accruing from the enhanced duties on steel should be made over to the Government of Burma not to the Central Revenue, been received by and considered by the Central Government and if so what decision has been arrived at if any ?

**The Honourable Sir Basil Blackett :** I understand that the suggestion has been received and that it is under consideration.

INDIAN PILGRIMAGE OFFICER AT JEDDAH.

2238.\***Khan Bahadur Sarfaraz Hussain Khan :** With reference to the following statement by Government in paragraph 3 of their letter to Local Governments, dated Simla, the 26th April 1924, on the subject of the Indian Merchant Shipping (Amendment) Bill, namely, " To this end they have appointed a special pilgrimage officer to watch over the interests of the pilgrims ", will they please state :

- (a) whether the headquarters of this officer are at Bombay, Karachi or Jeddah ?
- (b) whether he has himself to tour and look after the needs and requirements of the pilgrims at the different ports from which the pilgrims embark or at which they land, or whether he has subordinate officers stationed at the different ports for the said purpose ?
- (c) whether the said officer is also required to look after or get reports of the hardships to which pilgrims are subjected during their journey from Mecca to Medina ?
- (d) if it is not he, which other officer is it whose primary concern it is to watch over the interests of the pilgrims during their journey from Mecca to Medina ?

**Mr. J. W. Bhore :** (a) At Jeddah.

(b) The officer's duty is mainly to look after the interests of the pilgrims at Jeddah. At Bombay and Karachi there are Protectors of Pilgrims to attend to the needs of the pilgrims.

(c) and (d). The special Indian Pilgrimage Officer works under the British Consul at Jeddah who is primarily responsible for watching the interests of all British subjects including Indian pilgrims during their stay in the Hedjaz and whose functions are, of course, confined to those exercised by Consular Officers in other foreign states.

**Khan Bahadur W. M. Hussanally :** Is this officer employed by the Government of India or the Home Government ?

**Mr. J. W. Bhore :** By the Indian Government.

**Khan Bahadur Sarfaraz Hussain Khan :** Have the Government made any arrangements for the pilgrims going from Mecca to Medina ?

**Mr. J. W. Bhore :** What arrangements does the Honourable Member refer to ?



**Khan Bahadur Sarfaraz Hussain Khan :** Arrangements for their comforts on their journey from Mecca to Medina.

**Mr. J. W. Bhore :** No, Sir.

**Mr. Harchandrai Vishindas :** Is the Jeddah officer appointed by the Government of India or the Home Government ?

**Mr. J. W. Bhore :** I have already said by the Government of India.

#### TRANSFER OF THE SURMA VALLEY DIVISION FROM ASSAM TO BENGAL.

2239. **\*Mr. K. C. Neogy :** (a) Are Government aware that a Resolution has been adopted by the Assam Legislative Council in its last July session recommending the transfer of the Surma Valley Division from Assam to Bengal ?

(b) Have Govt. received any communication from the Government of Assam on the subject ?

(c) Are Government aware that in the debate in the Legislative Assembly in 1921, on the question of reconstitution of Provinces, Sir William Vincent gave an assurance that if a Resolution were adopted in the Assam Council recommending the transfer of Sylhet to Bengal, the Government of India would give it their most careful consideration ? What action do Government now propose to take in the matter ?

**The Honourable Sir Alexander Muddiman :** (a) Yes.

(b) The Local Government have informed the Government of India that the question is under their consideration.

(c) Yes. The question will be carefully considered by the Government of India in due course.

#### REPORT OF THE FRONTIER INQUIRY COMMITTEE.

2240. **\*Nawab Sir Sahibzada Abdul Qaiyum :** (a) Will the Government be pleased to state what action, if any, they propose to take on the Frontier Inquiry Committee Report now that it has been before the public for the past five months ?

(b) Has the attention of the Government been drawn to a letter "Public Grievances" published in the "Muslim Outlook" of the 19th August on the subject and are they aware of the fact that there is widespread discontent amongst the educated classes in the North West Frontier Province over the Government's delay in giving effect to the recommendations contained in the Majority Report ?

**Mr. Denys Bray :** (a) The recommendations contained in the Report from the subject of correspondence with the Secretary of State and Government are not yet in a position to make any announcement.

(b) The attention of Government has been drawn to the letter, and the public desire for an early announcement is recognized.

#### INTRODUCTION OF THE PRINCIPLE OF ELECTION ON A COMMUNAL BASIS IN LOCAL BODIES IN THE NORTH WEST FRONTIER PROVINCE.

2241. **\*Nawab Sir Sahibzada Abdul Qaiyum :** Will the Government be pleased to state if the N. W. Frontier Administration intend taking any action in the near future with respect to the introduction of the principle of

election, on a communal basis, in the Municipalities and District Boards of the Province ? If not, will they please state the reasons thereof ?

**Mr. J. W. Bhore :** The matter is under the consideration of the North West Frontier Province Administration and the Government of India are not in a position to make a statement on the subject at present.

**ESTABLISHMENT OF AGRICULTURAL BANKS OR CO-OPERATIVE SOCIETIES IN THE NORTH-WEST FRONTIER PROVINCE.**

**2242. \*Nawab Sir Sahibzada Abdul Qaiyum :** (a) Are Government aware that there are no Agricultural Banks or Co-operative Societies in the N. W. F. Province and that the rural and agricultural population of the Province is suffering to a great extent from want of such facilities ?

(b) Will the Government be pleased to state if the Frontier Administration has ever approached them on the subject of opening Agricultural Banks and Co-operative Societies in the Province and if so, with what results ?

**Mr. J. W. Bhore :** (a) Yes. There are no Agricultural Banks or Co-operative Societies in the North-West Frontier Province at present. On the passing of the Co-operative Societies Act of 1904 efforts were made to start Co-operative Societies in that province but the rural population there being orthodox Muhammadans their objection to the levy of interest or profits on capital hampered the extension of the movement and the only Co-operative Society working there had to be cancelled in 1913-14.

(b) The Local Administration, which has never approached the Government of India on the subject, is itself competent to start such Societies and no reference to the Government of India is necessary.

**Nawab Sir Sahibzada Abdul Qaiyum :** Will the Government be pleased to state if the objection of the Muhammadan population was conveyed in writing, or how did the Government come to know that the population objected to or did not take a favourable view of Co-operative Societies ?

**Mr. J. W. Bhore :** I am afraid I cannot say, but the information the Government have is as stated.

**Nawab Sir Sahibzada Abdul Qaiyum :** Are Government aware that times have changed and the rural population there after seeing the benefits of the co-operative movement in other parts of the country will be more in favour of patronising these societies ?

**Mr. J. W. Bhore :** Sir, I think that is a question for the Administration of the North West Frontier Province to consider.

**Lala Duni Chand :** Will Government require a guarantee from the Honourable Member or any body else as to the safety of the cash chests of these co-operative societies before they are started ?

**Nawab Sir Sahibzada Abdul Qaiyum :** We have got a large population of Hindus in the trans-border areas where they enjoy a guarantee of protection for their lives and property. Similarly a guarantee of that sort can be given in the settled districts also.

**Lala Duni Chand :** Will the Government approve of what my Honourable friend has just said ?

### EMPLOYMENT OF MUHAMMADANS IN GOVERNMENT DEPARTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.

2243. \*Nawab Sir Sahibzada Abdul Qaiyum : (a) Will the Government be pleased to state what proportion of Muslim and non-Muslims and local people and outsiders there is at present in the Provincial and Subordinate services of the N. W. F. Province and whether it is in accordance with the numerical ratio of the various communities in the Province ?

(b) Is it within their knowledge that there are scarcely any Muslims in some offices of the Province ?

(c) Is it not fact that the majority of the head clerks and superintendents in district offices and departments such as municipal and district boards are non-Muslims and are Government aware that Muslim local candidates find it rather hard to get into these offices ?

(d) Are Government prepared to take some measures to minimise these difficulties ?

Mr. Denys Bray : The information required is being collected and will be supplied to the Honourable Member in due course.

Diwan Bahadur T. Rangachariar : May I ask, Sir, if the Government approve of this, that appointments should be in accordance to the numerical ratios of the various communities ? Have they any opinion to offer on that point suggested in this question ?

Mr. Denys Bray : As far as I am concerned, I require notice of the question.

Mr. Gaya Prasad Singh : Will the information when collected be laid on the table of the House for the benefit of other Members as well ?

Mr. Denys Bray : The House is very voracious for information and if there is a general desire I shall have to accede to it.

Mr. Mahmood Schamnad Sahib Bahadur : Are the Government aware that there is widespread discontent among the educated community of the North-West Frontier Province as outsiders are imported to fill Government posts there ? Will Government see that this undesirable practice is put a stop to ?

Mr. Denys Bray : I shall require notice of that question also.

Lala Duni Chand : Is it a fact that there is not a single Hindu magistrate in the Dera Ismail Khan district or the Kohat district ?

Nawab Sir Sahibzada Abdul Qaiyum : There are a lot of Hindu honorary magistrates in these districts.

Mr. President : Order, order.

### GRIEVANCES OF THE RAILWAY BOARD STAFF.

2244. \*Sardar V. N. Mutalik : (a) Has the attention of the Government been drawn to the article published in the "Tribune" of the 16th July last regarding certain grievances of the staff employed in the Railway Board's office ?

(b) If so, will Government be pleased to state what action, if any, has so far been taken thereon ? If not, why not ?

Mr. A. A. L. Parsons : (a) Yes.

(b) No action. The organisation of the office of the Railway Board is already under consideration.

TEMPORARY STAFF OF THE RAILWAY BOARD'S OFFICE.

2245. **\*Sardar V. N. Mutalik :** (a) With reference to the statement laid on the table of the Legislative Assembly in reply to starred question No. 723, by Mr. Chaman Lall, on the 10th March 1924, will Government kindly state the reasons for keeping the temporary hands in suspense for years when the period of probation in the Secretariat is ordinarily one year ?

(b) Is it a fact that men with much shorter service have been absorbed in the permanent establishment of other Departments of the Government of India against leave reserve and other vacancies ? If so, why has not similar action been taken in the Railway Department, and when will it be taken ?

(c) Is it a fact that certain permanent vacancies in the Railway Department Secretariat are kept unfilled ? If so, why ?

(d) Is it a fact that the scales of pay of even such temporary clerks in the Railway Department as have already passed the prescribed period of probation (one year) are going to be reduced as a result of reorganisation ? If so, will the Government state the grounds for such action ? Have Government taken into consideration the fact that these men were originally offered, and were entertained on, the existing Secretariat scales of pay and that confirmation on these scales of pay has all along been held before them as their legitimate prospect ?

**Mr. A. A. L. Parsons :** (a) It has not been possible to estimate the extent to which the recommendations of the Acworth and Inchcape's Committees would affect the clerical work in the Railway Board's office, and it was therefore considered inadvisable to revise the cadre.

(b) Yes. The Honourable Member is referred to the reply to part (a) of his question.

(c) Yes. There are two vacancies one of which was provisionally filled from 1st January 1923, the second has not been filled for the reasons given in the reply to part (a) of this question.

(d) No decision has been arrived at. The matter is under consideration.

**Mr. Chaman Lall :** May I ask how long this scheme of reorganisation has been under consideration ?

**Mr. A. A. L. Parsons :** I am not quite sure. The actual position is this. The main reorganisation of the Railway Board was only given effect to about the beginning of April, and it is still a little doubtful exactly what our requirements will be. They depend to a certain extent on a Resolution which this House is already discussing. But I understand the proposals dealing with the clerical staff will be put forward as soon as we know the work they have to do.

**Mr. Chaman Lall :** Will the Honourable Member give us an undertaking that temporary hands in the Railway Board of several years' standing will be given permanent appointments.

**Mr. A. A. L. Parsons :** I cannot give such an undertaking offhand. I have not myself seen the case. But in determining our staff we shall certainly show them consideration. That is about as far as I can go.

### DELAY IN THE REORGANISATION OF THE RAILWAY BOARD SECRETARIAT.

2246. **\*Sardar V. N. Mutalik :** (a) What is the cause of the delay in the completion of the re-organisation of the Railway Board Secretariat ? When is it expected to be completed and from what date will it be given effect to ?

(b) Do the Government propose to introduce in the Railway Department Secretariat any scales of pay for the clerical staff lower than those in force in other Secretariats of the Government of India ? If so will Government kindly state what reason there is for the adoption of such a course ?

(c) Will the Government be pleased to state the different scales of pay proposed for Clerks, Assistants and Superintendents after re-organisation ?

(d) Will these scales of pay apply to the present staff, whether permanent or temporary, or to future entrants only ?

**Mr. A. A. L. Parsons :** The Honourable Member is referred to the reply to his previous question and to the answers to supplementary questions that have been put to me.

### STAFF SELECTION BOARD'S CANDIDATES.

2247. **\*Sardar V. N. Mutalik :** (a) Will Government be pleased to say on what basis appointments are offered by the Staff Selection Board to passed candidates in their list ?

(b) Is there any fixed criterion either on the basis of length of service in the Secretariat or priority of passing the Board's examination or academic qualifications or it rests entirely on the discretion of the Secretary to the Board ?

(c) Is it a fact that in some cases men with shorter service have been given permanent appointments in leave reserve vacancies in preference to men with longer service ? If so, why ? Who makes the selection—the Board or the Secretary by himself ?

(d) Will Government kindly say whether there is any check against inequalities or disparity of treatment between men and men or any provision for the protection of interests of individual candidates ? If so, what ?

**The Honourable Sir Alexander Muddiman :** (a) The Board maintain lists of all qualified candidates graded according to the categories for which they are qualified and nominations are made from these lists.

(b) Nomination depends on a candidate's position on the list and the nature of the vacancy to be filled.

(c) Yes—because longer service does not necessarily confer the stronger claim. In most cases selections for leave reserve vacancies were made by the Departments concerned and submitted to the Board for approval.

(d) Any candidate who feels that he is not being treated fairly is always at liberty to represent his case to the Board. The right of interrogation in this House would seem to afford a further check.

### UNEMPLOYMENT OF MEN WHO PASSED THE STAFF SELECTION BOARD'S EXAMINATION IN 1920.

2248. **\*Sardar V. N. Mutalik :** Is it a fact that several men who passed the Staff Selection Board's examination in the first division since 1920

are still unemployed ? If so, why was it necessary to hold another examination recently ?

**The Honourable Sir Alexander Muddiman :** Sixteen men who passed the Staff Selection Board's examination for the first division since 1920 are still unemployed. Seventeen others, who passed for the first division, are employed in second division posts. In the examination held recently no outside candidates were examined for the first division. The examination was confined in the case of outsiders to candidates for posts of stenographers and typists, as the number on the waiting lists for posts of that nature was small.

#### CLAIMS OF RETRENCHED PERSONS FOR PERMANENT VACANCIES IN THE SECRETARIAT.

2249. **\*Sardar V. N. Mutalik :** Is it a fact that Government promised to consider the claims of retrenched persons for permanent vacancies in the Secretariat and a common roster of all retrenched persons was prepared for the purpose by the Staff Selection Board arranged in accordance with their length of service ? If so, will Government kindly say whether this principle was observed and men selected from this list in filling up leave reserve vacancies ? If not, why not ? On what principle were the appointments filled up ?

**The Honourable Sir Alexander Muddiman :** Government made no such promise, but they charged the Staff Selection Board with the task of finding employment where possible for such retrenched personnel both permanent and temporary. A roster was, I understand, prepared by the Staff Selection Board and my information is that all persons who were on the roster have been duly provided for with the exception of 5 men belonging to the late Finger Print Bureau whom it has been difficult to place in permanent posts owing to their lack of qualifications. These five are employed in temporary posts.

**Sardar V. N. Mutalik :** What exactly is meant by "lack of qualifications" ?

**The Honourable Sir Alexander Muddiman :** "Lack of qualifications" ? The term appears clear.

#### IRREGULARITIES COMMITTED BY A PROVISIONAL ASSISTANT SECRETARY IN THE COMMERCE DEPARTMENT.

2250. **\*Sardar V. N. Mutalik :** Is it a fact that an Assistant Secretary to the Government of India in the Commerce Department has been found guilty of misappropriation of funds ? If so, will Government kindly state what action has been taken against him ?

**The Honourable Sir Charles Innes :** It is a fact that a clerk in the Commerce Department, who had been appointed provisional Assistant Secretary, irregularly authorised the payment of advances to himself. These advances were afterwards refunded in full.

He has been reverted to his substantive grade as First Division clerk.

**Mr. K. Ahmed :** What about the money that he misappropriated ? Is there any chance of its recovery ?

**The Honourable Sir Charles Innes :** If the Honourable Member had listened to what I said, he would have heard that these advances had already been repaid in full.

# DUTIES OF FIRST, SECOND AND THIRD DIVISION MEN IN THE GOVERNMENT OF INDIA SECRETARIAT.

2251. \***Sardar V. N. Mutalik** : (a) Are there any prescribed duties for the men employed in the first division of the Secretariat as distinct from those employed in the second division ? If so, will Government kindly name the duties set apart for each of these two classes ?

(b) For whom (first, 2nd, or third division men) are the following class of duties meant :

Diarising, recording, indexing, attending telephone calls or taking down telephonic messages, cutting and pasting of correction slips in rules, codes, etc., keeping of registers of documents, filling in names in visitors' cards, selling of stationery articles.

(c) What is meant by the term " Routine duties " in the Secretariat and what class of duties fall under it ?

(d) Is it a fact that these duties are performed in some Departments by the first division men, in some Departments by second division men and in some by third division men ? If so, will Government kindly explain the cause of this anomaly ?

**The Honourable Sir Alexander Muddiman** : (a) The nature of the duties of first division clerks cannot be clearly distinguished from that of the duties of second division clerks. Clerks of both divisions note and draft on cases, but the more important and more difficult cases are entrusted to clerks of the first division, while clerks of the second division note and draft on simple cases besides doing other work such as diarising, indexing and recording.

(b) Diarising, indexing and recording are, as I have just said, ordinarily done by clerks of the second division while the other duties mentioned in the question are performed by third division clerks.

(c) The term " Routine duties " has never been defined, but these include such works as typing, despatching, arrangement of material for despatch to the Press and examination of proofs received from the Press, coding and decoding of non-confidential telegrams, receipt and despatch of telephonic messages and statistical work.

(d) I am not aware that first and second division clerks are employed on any of these routine duties, but the distribution of work in each Department is a departmental concern and I have no reason to doubt that each Department is employing its staff in a suitable manner.

## ACCIDENTS ON RAILWAYS.

2252. \***Mr. Kamini Kumar Chanda** : Will the Government publish a list of Railway accidents in 1921-24 attended with loss of life, or injuries to the persons, of (a) passengers and (b) railway employees—stating in each case the cause or causes of the accident and action taken to prevent a recurrence of the same ? Was any compensation given in any case either by order of the court or out of court ?

**Mr. A. A. L. Parsons** : All the information available will be given in Appendix C of volume II of the Report of the Railway Board on Indian Railways for 1923-24, which will shortly be issued.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

2253. \***Mr. Kamini Kumar Chanda** : (a) Have reports of any Local Governments containing schemes of separation of judicial and executive functions been received ?

(b) Will the Government be pleased to publish them ?

(c) What action does Government propose to take about the matter and when ?

**The Honourable Sir Alexander Muddiman** : (a) Reports from Bengal, Bihar and Orissa, the United Provinces and Madras have been received.

(b) The Government of India do not propose to publish them at present.

(c) The final views of the Government of Madras have just been received, and the schemes will now be considered by the Government of India.

RECRUITMENT OF DISTRICT JUDGES.

2254. \***Mr. Kamini Kumar Chanda** : (a) Is it a fact that the Islington report recommended that in future one-third of the District Judges should be recruited from the I. C. S., another third from the Provincial Judicial Service and the balance from the Bar ?

(b) Are Government in a position to state whether this recommendation has been given effect to ?

**The Honourable Sir Alexander Muddiman** : The reply to (a) is in the negative and (b) therefore does not arise.

DESTRUCTION OF WILD ANIMALS AND SNAKES.

2255. \***Mr. Jamnadas M. Mehta** : (a) Is there a system in force in India of rewarding by cash payments those who destroy wild animals and snakes ?

(b) Is it true that an amount of nearly ten lakhs of rupees was paid as such rewards during five years ending on 31st December 1923 ?

(c) Is it a fact that in spite of these rewards the number of deaths in all the Provinces of India including Burma increased in the case of wild animals by 40 per cent. in 1923 over the figures of 1919 and in the case of wild animals and snakes together by nearly three per cent. during the same period ?

(d) Do Government contemplate adopting other measures than rewards for reducing the number of these deaths, e.g., by issuing more licenses for fire-arms to the public ?

**The Honourable Sir Alexander Muddiman** : (a), (b) and (c). Yes. The Honourable Member is referred to the Home Department Resolution No. F.4/2/24, dated the 26th July 1924, which was published in the supplement to the Gazette of India of the 2nd August 1924.

(d) The issue of licenses for fire-arms to be used as a protection against wild animals is regulated by the local authorities. No fee is charged for such licenses and the Government of India do not consider that any orders on the lines suggested are necessary.



**COMPENSATORY ALLOWANCES TO DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.**

2256. **\*Mr. Harchandrai Vishindas :** Will Government be pleased to state whether they propose to grant compensatory allowance to divisional accountants of the P. W. D. pending revision of their scale of pay ?

**The Honourable Sir Basil Blackett :** The Auditor General states that he will submit proposals for the revision of the pay of divisional accountants in the near future.

**TRAVELLING ALLOWANCE OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.**

2257. **\*Mr. Harchandrai Vishindas :** (a) Is it a fact that the status of divisional accountants of the P. W. D. *qua* accounts is on a par with that of the sub-divisional officers *qua* works ?

(b) If so do Government propose to equalise the travelling allowance of the two branches ?

(c) Is it true that the allowance of the sub-divisional officers has been raised from Rs. 30 to 75 per mensem while that of the accountants has remained stationary, *i.e.*, Rs. 20 for Rs. 80 to 130 salaries, Rs. 10 for Rs. 140 salaries and *nil* for Rs. 150 and upwards salaries ?

**The Honourable Sir Basil Blackett :** (a) Yes.

(b) The responsibility of the divisional accountant in respect of accounts is analogous to that of that sub-divisional officer in respect of works. But this does not imply that the divisional accountant is of the same status as the sub-divisional officer, or should be granted the same scale of pay and allowances.

(c) Sub-divisional officers ordinarily draw no allowance ; such an allowance is only granted when it is necessary to employ an officer of the subordinate service in sub-divisional charge. The amount of the allowance to be granted in such a case rests entirely with the Local Government concerned.

The reply to the second part of the question is in the affirmative.

**RAILWAY DISASTER NEAR HARAPPA ON THE NORTH WESTERN RAILWAY.**

2258. **\*Mr. Harchandrai Vishindas :** (a) Has the attention of Government been drawn to the heavy loss of life caused by the collision between trains near Harappa on the N. W. Railway on the morning of the 29th August last ?

(b) If so, do Government propose to adopt any measures to prevent such disasters in the future such as the provision of front searchlights or other mechanical devices ?

**Mr. A. A. L. Parsons :** The Honourable Member is referred to the reply given in this Assembly on 10th September, 1924, to Diwan Bahadur M. Ramachandra Rao's question.

**SHORTAGE OF LICENSED COOLIES AT KARACHI CITY STATION ON THE NORTH-WESTERN RAILWAY.**

2259. **\*Mr. Harchandrai Vishindas :** Has the attention of Government been drawn to the complaints regarding the shortage of licensed

coolies at the Karachi City station resulting in considerable waste of time and inconvenience to the railway passengers? If so do Government intend to take steps to obviate such loss and inconvenience?

**Mr. A. A. L. Parsons :** No, but a copy of this question and answer will be sent to the Agent, who will doubtless discuss the matter with his Local Advisory Committee.

**WORKING HOURS, INCREASE OF LEAVE RESERVE, ALLOWANCES, ETC., OF POSTAL EMPLOYEES.**

**2260. \*Mr. Amar Nath Dutt :** (a) With reference to the Honourable Mr. A. C. Chatterjee's reply to question No. 201 given on the 15th March 1924, will the Government be pleased to state, of the 24 items of the Joint R. M. S. conference out of which 3 were accepted, which 7 were not accepted by the Deputy Postmasters-General and which 4 were rejected by the Director-General? Were the Deputy Postmasters-General unanimous in not accepting each of the 7 items? What were the reasons for the refusal of the 4 items by the Director-General?

(b) Will the Government please state what action has since been taken on the 10 items that were under consideration when the Honourable Member gave his reply?

(c) In view of the improved financial condition do the Government propose now to accept items (a), (b), (d), (e), (f), (g) and (h)? Has the Director-General submitted any proposal for the consideration of Government with reference to item (k)? If not, do Government propose to direct the Director-General to do so?

**The Honourable Mr. A. C. Chatterjee :** The answer is rather lengthy and with the Honourable Member's permission I will lay it on the table.

(a) Nos. VI, XIII and XVI were accepted by the Deputy Postmasters-General.

Nos. I, V, VII, VIII, XVIII, XXI and XXII were not accepted by the Deputy Postmasters-General; and Nos. III, IX, X and XX were rejected by the Director-General.

As regards recommendations Nos. V, VII, XXI and XXII, the Deputy Postmasters-General were unanimous. As regards recommendations Nos. I, VIII and XVIII opinion was divided.

Both on administrative and financial grounds the four recommendations were rejected by the Director-General.

(b) Of the ten items that have been under consideration—  
four have been accepted,  
two have been rejected, and  
four are still under consideration.

(c) The Honourable Member is under a misunderstanding as to the actual financial position of the Post and Telegraph Department. In this connection his attention is drawn to the reply given by the Government to Mr. Joshi's starred question No. 2223 on 19th September 1924.

As regards items A, B, D, E, F, G, H—the Honourable Member's attention is invited to the reply given by Government to Mr. K. C. Neogy's question No. 14 on 15th March 1924.

As regards item K, the matter is still under the consideration of the Director-General.

### ABSENTEES IN THE R. M. S. AND IN CERTAIN POST OFFICES.

2261. **\*Mr. Amar Nath Dutt** : Will the Government please furnish the information asked for in Mr. K. K. Chanda's question No. 424, which Mr. G. R. Clarke in reply said was being collected ?

**Mr. H. A. Sams** : A statement containing the information, which was duly supplied to Mr. K. K. Chanda in Mr. Clarke's letter dated the 12th April 1924, is laid on the table.

Establishment.	Total Staff.	Average daily number of absentees during the quarter ending January 1924.	Percentage of the number of absentees to the total staff.
Calcutta General Post Office and its town sub-offices.	1,106	212	19·17
Calcutta Sorting Division .. ..	377	85	22·55
Jalpaiguri Division .. ..	99	22	22·23
Rangoon head office and its town sub-offices	345	70	20·3
Burma Mofussil post offices .. ..	740	135	18·2
Burma Railway Mail Service .. ..	93	24	25·8
Lahore head office and its town sub-offices	207	29	14
Bombay General Post office and its town sub-offices.	1,188	187	15·74
Foreign Mail Division, Railway Mail Service	105	18	17
Madras General Post Office and its town sub-offices.	437	63	14·42
Railway Mail Service, Eastern Circle ..	1,051	212	20·17
Railway Mail Service, Northern Circle } ..	1,094	192	17·55
Railway Mail Service, Western Circle } ..	1,266	222	17·54

### LEAVE RESERVE OF THE RAILWAY MAIL SERVICE.

2262. **\*Mr. Amar Nath Dutt** : Does not the number of absentees in the R. M. S. exceed the number of leave reserve, and does not this compel double duty being done by sorters ? Will Government please consider the question of increasing the leave reserve as recommended by the Joint R. M. S. Conference ?

**The Honourable Mr. A. C. Chatterjee** : Except in Burma the number of absentees does not normally exceed the leave reserve, but when it does, double duty has to be performed. The whole question is being considered by the Director General and his recommendations will be considered by Government as soon as they are received.

### CENSORING OF CORRESPONDENCE OF PRIVATE PERSONS BY THE POLICE.

2263. **\*Mr. Amar Nath Dutt** : (a) Will the Government be pleased to state whether a registered book post packet sent on the 25th August, 1924 by the General Secretary of the E. B. Railway Indian Employees' Association, Kurigram, addressed to Babu Mukunda Lall Sircar, 72, Canning Street, Calcutta, was delayed in delivery, as the packet was first delivered to the Deputy Inspector General of Police, Intelligence Branch, 13, Elysium Row, Calcutta, who then returned it for delivery to the addressee ?

(b) Will the Government be pleased to state whether the postal authorities are empowered to deliver any packet to people other than the addressee ?

(c) If the answer to (a) be in the negative then will the Government be pleased to state if there is any such order by the Government on the Postal Department to send packets to the C. I. D. before being delivered to the addressee and if there is any such order will the Government be pleased to state the reasons for the same ?

**The Honourable Mr. A. C. Chatterjee :** The Honourable Member's attention is invited to section 26 (1) of the Indian Post Office Act, 1898, as amended by Act XIV of 1922. Government are not prepared to make any further statement.

**Mr. Chaman Lall :** Will the Honourable Member inform the House whether the correspondence of any Members of this Assembly is being so treated by the C. I. D. ?

**The Honourable Mr. A. C. Chatterjee :** I am unable to make any statement.

**Mr. Amar Nath Dutt :** Will the Honourable Member kindly state whether the addressee is a political suspect ?

**The Honourable Mr. A. C. Chatterjee :** I do not know.

**Mr. Chaman Lall :** Will the Honourable Member have inquiries made ?

**The Honourable Mr. A. C. Chatterjee :** No.

**Mr. Chaman Lall :** Is it against public policy ?

**The Honourable Mr. A. C. Chatterjee :** It is against the public interest.

**Mr. Chaman Lall :** Is the Honourable Member aware of the fact that the Home Member gave an undertaking in this House that he would look into this matter if his attention is drawn to it ?

**The Honourable Mr. A. C. Chatterjee :** I am not aware of it.

**The Honourable Sir Alexander Muddiman :** Most certainly I did ; but nothing was brought to my notice.

**Mr. Chaman Lall :** May I, Sir, with your permission put one more question ? Is the Honourable Member aware that I put a similar question in the last session and a similar undertaking was given ?

**The Honourable Sir Alexander Muddiman :** I have already told the Honourable Member that I gave the undertaking ; but nothing was brought to my notice.

**Mr. N. M. Joshi :** May I ask, Sir, whether people who are thus wronged by Government have any chance of getting any redress if the Honourable Member will not make any inquiry of the sort mentioned in the question here ? What is the method of getting redress in this matter ? Will not the Honourable Member give an answer, Sir ? There is a specific question here whether the correspondence of a particular person was not sent to the police. I want the Honourable gentleman to answer me whether he will not inquire about the case of this correspondence being taken to the police, and if after inquiry it is found that this gentleman is not a suspect that there is no reason to suspect his *bona fides*, why should his correspondence be sent to the police first ?

**The Honourable Mr. A. C. Chatterjee :** I have referred the Honourable Member to a provision of the law and I am not prepared to make any further statement.

**Mr. N. M. Joshi :** May I ask, Sir, whether it is right that Government should take away the letters of many people without any cause and send them to the police ?

**The Honourable Sir Alexander Muddiman :** Certainly not, Sir ; the Honourable Member assumes facts which do not exist.

**Mr. N. M. Joshi :** I want the Government to inquire into the facts of this case.

**Mr. Amar Nath Dutt :** May I ask, Sir, where there is a case of litigation between a private gentleman and the Government, will Government open packets and letters sent to his legal advisers ?

**Mr. President :** That strikes me as hypothetical.

**Mr. N. M. Joshi :** Am I to understand that Government will not have any inquiries made into such cases of letters being sent to the police without any cause ?

**The Honourable Sir Alexander Muddiman :** I do not admit that letters are ever sent to the police without any cause.

**Mr. N. M. Joshi :** I therefore want the Government to inquire into the facts of this case.

**The Honourable Sir Alexander Muddiman :** I know nothing about it.

**Dewan Bahadur T. Rangachariar :** What guarantee is there that this provision of the law is not misused or abused ? What steps do the Government of India take to inform themselves ?

**The Honourable Sir Alexander Muddiman :** I have no reason whatever to suppose that it is misused or abused.

**Mr. Chaman Lall :** Will the Honourable Member inform the House whether in any case where correspondence was so sent the Government of India issued any instructions as to that effect or not ?

**The Honourable Mr. A. C. Chatterjee :** The power rests with the Local Governments.

**Mr. Chaman Lall :** Is the Honourable Member aware that in several cases the Local Government does not authorise it and it is done on the initiative of the C. I. D. ?

**The Honourable Mr. A. C. Chatterjee :** I deny that statement, Sir.

#### SUPPLY OF FILTERED WATER TO THE RAILWAY EMPLOYEES AT PAKSEY ON THE EASTERN BENGAL RAILWAY.

2264. **\*Mr. Amar Nath Dutt :** (a) Has the attention of the Government been drawn to a paragraph in a Bengali Fortnightly named "Marmabani" of the 16th September, 1923 complaining about the supply of filtered water to the railway employees at Paksey on the E. B. Railway ?

(b) Is it a fact that two different kinds of water are supplied to European and Indian employees at Paksey and is it also a fact that the Indian employees do not get good water even for drinking while the European employees get a sufficient quantity of good water not only for drinking but also for the swimming bath and flushing of drains ?

(c) If the answer to (a) be in the affirmative will the Government be pleased to state the reasons for such racial discrimination in the matter of supply of water and do the Government propose to put a stop to it ?

**Mr. A. A. L. Parsons :** (a) Government have not seen the paragraph referred to.

(b) and (c). Government have no information but a copy of the question will be furnished to the Agent, Eastern Bengal Railway.

**Mr. Amar Nath Dutt :** I can hand the Honourable Member an issue of the paper—it is in Bengali.

**Mr. A. A. L. Parsons :** I shall be delighted to read it at leisure, Sir.

#### DECLARATION OF THE SERVICE OF THE MINISTERIAL STAFF OF THE RAILWAY DEPARTMENT AS RAILWAY SERVICE.

2265. **\*Khan Bahadur Sarfaraz Hussain Khan :** (a) Will the Government be pleased to state if they have passed orders declaring the service of the ministerial staff of the Railway Department as " Railway Service," quite distinct from Secretariat Service ?

(b) If so, will they please lay a copy of the orders on the table ?

**Mr. A. A. L. Parsons :** The Honourable Member is referred to the reply given to starred question No. 570 (Part 2) in the Legislative Assembly on the 17th March 1923.

#### WORK OF THE MINISTERIAL STAFF OF THE RAILWAY DEPARTMENT.

2266. **\*Khan Bahadur Sarfaraz Hussain Khan :** (a) Is there any difference between the nature of the work done by the ministerial staff of the Railway Department and that of the other Departments of the Government of India Secretariat ?

(b) If so, will the Government please state what it is ?

**Mr. A. A. L. Parsons :** (a) and (b). Yes, in so far as the staff deal with railway subjects which are of a technical nature.

#### CLASSIFICATION OF DISTRIBUTORS IN GOVERNMENT PRESSES AND RECORD SUPPLIERS IN THE MILITARY ACCOUNTS OFFICES AS SUPERIOR SERVANTS.

2267. **\*Khan Bahadur Sarfaraz Hussain Khan :** (a) Is it a fact that distributors employed in the Government of India Presses in Calcutta, Delhi and Simla, the Foreign and Political Department Press and the Press of the Private Secretary to His Excellency the Viceroy and record suppliers in the Military Accounts offices have now been classed as " Superior Servants " ?

(b) Is it a fact that the record sorters of the Government of India Secretariat, are classed as " Inferior Servants " ?

(c) If the facts stated in (a) and (b) are correct, will the Government please state if there is any difference between the nature of work of those who are classed as " Superior Servants " and those who are classed as " Inferior Servants " ; and if so, what is it ?

**The Honourable Sir Alexander Muddiman :** (a) The Foreign and Political Department press no longer exists. Distributors employed in the

other presses mentioned whose monthly earnings exceed Rs. 15 have been classed as superior servants. Record suppliers in the Military Accounts offices have also been classed as such.

(b) Yes.

(c) Yes. Distributors are technical workers and require a fair amount of technical skill. The duties of record sorters in the Government of India Secretariat are mainly mechanical and require a very low standard of literacy. The duties of record suppliers in the Military Accounts Department differ from those of these record sorters in being more of a clerical nature.

**Diwan Bahadur T. Rangachariar** : Will the Government consider the desirability of dropping these distinctions unless it is absolutely necessary. All labour is honourable, whether in the superior service or in the inferior service.

**The Honourable Sir Alexander Muddiman** : Does the Honourable Member merely require a change in terminology ?

**Diwan Bahadur T. Rangachariar** : Yes.

**The Honourable Sir Alexander Muddiman** : Certainly, I will consider it.

**Khan Bahadur Sarfaraz Hussain Khan** : May I draw the attention of the Government to the circular of 1915 in which Government themselves admitted that the status of these men was much superior to the menial service ? Are the Government prepared to regard the sorters under the title of superior service ?

#### PAY OF POSTMEN AND POSTAL CLERKS IN THE BOMBAY CIRCLE.

2268.\***Mr. N. M. Joshi** : (a) Will Government be pleased to state whether it is a fact that in 1900 and before that time in the Bombay Circle of the Postal Department the postmen used to be given the same pay as their maximum which the postal clerks used to get as their minimum ? If so, was it the practice of the Postal Department to maintain these two scales in that proportion ?

(b) If the answer to (a) above be in the affirmative, will Government be pleased to state whether the same proportion in the scales of the postmen and the postal clerks has still been maintained ? If not, has it been increased or decreased ? If the latter, why so ?

**Mr. H. A. Sams** : (a) The rates of pay for postmen have never been fixed with reference to the pay for clerks and, if at any time the maximum pay of the former has been equal to the minimum pay of the latter, the position has been fortuitous.

(b) Does not arise.

#### INCREASE OF PAY OF POSTMEN.

2269.\***Mr. N. M. Joshi** : (a) Will Government be pleased to state whether they are aware that the postmen prefer a net increase in their pay without any allowance to less pay and some allowances which they get at present ? If so, will they consider the possibility of discontinuing all the present allowances and giving them adequate increase in their salaries ? If not, why not ?

(b) If the reply to the earlier part of (a) above be in the negative, are Government prepared to take steps to ascertain what the views of the postmen are in the matter? If not, why not?

**The Honourable Mr. A. C. Chatterjee :** (a) The answer to the first part of the question is in the negative. The other parts do not arise.

(b) As I am not aware of any grievance, I see no reason for starting an inquiry of my own motion.

**REVISION OF PAY OF POSTAL RUNNERS IN THE BOMBAY CIRCLE.**

2270. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether any increase in pay has been given to the postal "runners" in the Bombay Circle since the war? If so, when was it given and what was the percentage of the increase? If not, will they take immediate steps to give them the increase? If not, why not?

**Mr. H. A. Sams :** The pay of postal runners in the Bombay Circle was revised from the 1st March 1916 and the 1st March 1918, with the result that their minimum pay is now 100 per cent. and their maximum pay 43 per cent. higher than it was before the war.

**GRANT OF RELIEF TO POSTAL RUNNERS.**

2271. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether it is a fact that the Postal Inquiry Committee of 1920 did not consider the question of giving relief to the postal "runners"?

**Mr. H. A. Sams :** It is not a fact.

**LEAVE RESERVE FOR POSTMEN AND MENIALS IN THE BOMBAY CIRCLE.**

2272. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state whether it is a fact that in the Bombay Circle no reserve staff has been maintained in the mofussil for postmen and menials who go on casual leave? If so, why?

(b) If the reply to (a) above be in the affirmative, do Government propose to consider the advisability of appointing some reserve staff for postmen and menials in the mofussil and devising some method by which it can be made available to the particular place to which it is required?

**Mr. H. A. Sams :** (a) Yes, because it is an accepted general principle that the grant of casual leave shall involve no extra expense to Government.

(b) For this reason Government are unable to accept the suggestion.

**GRANT OF LEAVE PRIVILEGES TO POSTAL MENIALS IN THE BOMBAY CIRCLE.**

2273. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether in the Bombay Circle any reserve staff has been maintained in the mofussil for giving more leave privileges to the menials of the Postal Department? If so, what is their percentage to the total number of menials?

**Mr. H. A. Sams :** The reply is in the negative.



## RAILWAY CONCESSION FARES TO STUDENTS OF NATIONAL SCHOOLS.

2274. \***Mr. N. M. Joshi** : (a) Will Government be pleased to state whether, in the Bombay Circle any reserve staff has been maintained in February last to give concession in season ticket fares to the students of the National schools on the ground that their rules did not admit of this concession being granted to the students attending schools not recognised by Government ?

(b) If the answer to (a) above be in the affirmative, are Government prepared to advise the Railway Administrations in India to so change their rules as to admit the concessions in season ticket fares being given to all the students attending any public school irrespective of its being recognised by Government or not ? If not, why not ?

**Mr. A. A. L. Parsons** : (a) and (b). The Honourable Member is referred to the reply given in this Assembly on 15th September 1924 to question No. 1904.

## REPRESENTATION OF PASSENGERS' ASSOCIATIONS ON THE LOCAL ADVISORY COUNCILS OF RAILWAYS.

2275. \***Mr. N. M. Joshi** : (a) Will Government be pleased to state whether they are aware of the existence of associations in Bombay, Madras, Calcutta and Karachi, representing the railway passengers ? If so, have any of these associations been given any representation on the Local Advisory Boards or Councils ?

(b) If the answer to the latter portion of (a) above be in the affirmative, will Government be pleased to give a list of Railways and Local Advisory Councils which have given such representation to the Passengers' Associations and a list of those associations to which such representation is given ?

(c) If the answer to the latter portion of (a) above be in the negative, are Government prepared to take steps to see that such Passengers' Associations which represent the railway passengers, wherever they exist, are given representation on the Local Advisory Councils of Railways ? If not, why not ?

**Mr. A. A. L. Parsons** : The Honourable Member is referred to the reply given in this Assembly on 3rd September 1924 to Mr. Bhubanananda Das' question No. 1619.

## CONSTITUTION OF LOCAL ADVISORY COMMITTEES OF VARIOUS RAILWAYS.

2276. \***Mr. N. M. Joshi** : Will Government be pleased to place on the table a copy of the constitutions and rules of the various Local Advisory Committees set up in connection with the various Railways in India ?

**Mr. A. A. L. Parsons** : The Honourable Member is referred to the reply given in this Assembly on 2nd June 1924 to Mr. N. C. Kelkar's question No. 1192.

## WITHDRAWAL OF OFFICIAL RECOGNITION OF THE OUDH AND ROHILKHAND RAILWAY UNION.

2277. \***Mr. N. M. Joshi** : Will Government be pleased to state the reason why the official recognition of the Oudh and Rohilkhand Railway Union has been withdrawn by the railway authorities ?

**Mr. A. A. L. Parsons :** The recognition was withdrawn as the character and general tone of the official organ of the Union was calculated to impair the relations between the Administration and the staff, and generally to undermine the authority of the Administration.

**GRIEVANCES OF THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.**

2278. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state whether their attention has been drawn to the resolutions passed by the workmen of the B. and N. W. Railwaymen's Association in their mass meeting held at Gorakhpur on the 22nd June 1924 and which have been forwarded to the Agent of the Railway Company and the Railway Board ?

(b) If the answer to (a) above be in the affirmative, will Government be pleased to state whether they have inquired into the allegations made in resolution No. 1 in respect of the compulsion being put upon the men in the railway workshops in the matter of making them members of the Welfare Committees which (compulsion) had at times gone to the length of threatening loss of service on the part of the workmen if they did not join the Welfare Committees ? If so, what steps, if any, have Government taken to stop this practice of compulsion ?

(c) If the answer to (a) above be in the affirmative, will Government kindly state whether they have inquired into the grievances mentioned in resolutions Nos. 2, 3 and 4, and what steps they have so far taken to remove them with special reference to the complaint of insufficient and inadequate supply of drinking water ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) Yes, and Government have the Agent's assurance that no one has been dismissed for having refused to be a member of the Welfare Committees.

(c) No. The representations related mainly to matters of domestic administration of the Company's staff with which Government do not interfere.

**WELFARE COMMITTEES ON THE BENGAL AND NORTH-WESTERN RAILWAY.**

2279. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state whether the Agent of the Bengal and North Western Railway sends replies to the representations made by the B. and N. W. Railwaymen's Association which has its headquarters at Gorakhpur ? If not, why not ? If the Government have no information about this matter, will they kindly inquire ?

(b) Will they also state whether there are any Joint or Welfare Committees set up on the B. and N. W. Railway to consider the grievances of the employees ?

(c) If the answer to (b) above be in the affirmative, will Government be further pleased to state how these Committees are constituted, how many they are, how many meetings each has so far held and what grievances they have so far considered and redressed ?

**Mr. A. A. L. Parsons :** (a) Government have no information nor do they propose to call for it. Government do not interfere in matters relating to the administration of the Company's staff.

(b) and (c). So far as Government are aware, the Agent, B. & N. W. Railway, has formed District Committees as a medium of communication between the Company and its staff. They have no information beyond this and it is not a matter in which they are prepared to interfere.

**Mr. N. M. Joshi :** May I ask, Sir, whether the recognition of an Employees' Association is such a small detail that the Railway Board should not interfere at all ?

**Mr. A. A. L. Parsons :** I did not say it was a small detail, Sir. I said we did not generally interfere in matters of this kind, especially on a Railway like the Bengal and North Western, which is a purely Company Railway.

**Mr. N. M. Joshi :** May I ask, Sir, even if the Bengal and North Western Railway is a Company Railway, why the Railway Board should not make inquiry into this case and set up a proper machinery to adjust the relations between the employers and employees of the Railway ?

**Mr. A. A. L. Parsons :** Because we see no reason why we should make an inquiry. The Agent of the Railway has our full confidence and we do not distrust his action.

**Mr. N. M. Joshi :** Sir, if the Agent of the Railway has the full confidence of the Railway Board and they are not going to interfere in this business, why should the tax-payer's money be spent on the Railway Board at all ? May I get a reply to this ?

**The Honourable Sir Charles Innes :** The Honourable Member knows perfectly well that the Government of India have just circulated two letters for public opinion regarding (a) trades unions and (b) trade disputes. I suggest that he leave the matter in its present position until we have considered the replies given to those two circular letters.

#### ALLEGATIONS IN THE " WEEKLY MAZDOOR " OF LUCKNOW AGAINST RAILWAY ADMINISTRATION.

2280. **Mr. N. M. Joshi :** (a) Will Government be pleased to state whether their attention has been drawn to the allegations made in the *Weekly Mazdoor* of Lucknow, dated the 30th April 1924, on pages 3, 4 and 5, under headings " Gleanings into Mr. Naidu's Discharge ", " Bogus pay orders and Modern Daniel ", and " Preserving the Purity of the Administration ", respectively ?

(b) If the answer to (a) above be in the affirmative, will they be pleased to state whether they have inquired into these allegations brought against the Railway Administration ? If so, were they found to be substantially correct ? If so, what punishment did the Railway authorities mete out to the defaulters and what steps they have now taken to stop such abuses ?

**Mr. A. A. L. Parsons :** (a) and (b). The Government have seen these and other articles of the same type in the paper referred to. They have been in correspondence with the Agent on the subject and they understand that the question of what action if any should be taken against the Editor is under consideration.

**DISCHARGE OF EMPLOYEES OF THE OUDH AND ROHILKHAND RAILWAY FOR TAKING PART IN THE TRADE UNION MOVEMENT.**

**2281. \*Mr. N. M. Joshi :** Will Government be pleased to give the number of men serving on the Oudh and Rohilkhand Railway who were discharged from service in 1923 and 1924 on account of their taking part in the trade union movement and especially in their own O. and R. Railway Union ?

**Mr. A. A. L. Parsons :** No employé has been discharged on the O. and R. Railway specifically for taking part in the trade union movement or by reason of connection with the O. and R. Railway Union during the years 1923 and 1924. One relieving station master was, however, discharged for the grave irregularity of using the service wires for transmission of telegrams in this connection and in view of his unsatisfactory record.

**Mr. N. M. Joshi :** Does the unsatisfactory record consist in his being a member of the Union ?

**Mr. A. A. L. Parsons :** No, Sir.

**ESTABLISHMENT OF A CONCILIATION BOARD ON THE OUDH AND ROHILKHAND RAILWAY.**

**2282. \*Mr. N. M. Joshi :** Will Government be pleased to state whether the Oudh and Rohilkhand Railway Union had requested the Agent of that Ry. Company to set up a Conciliation Board for the settlement of disputes between the Company and the railway servants and of the former's grievances ? If so, was such a Board set up ? If not, why not ?

**Mr. A. A. L. Parsons :** The Union suggested in April last that a Conciliation Board should be formed, but no action was taken. The dispute was not such as could suitably be referred to a Conciliation Board.

**PROVISION BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY OF SCHOOLS FOR THE CHILDREN OF THE INDIAN EMPLOYEES.**

**2283. \*Mr. N. M. Joshi :** (a) Will Government be pleased to state whether they have received in April last a representation from the M. S. M. Railway employees containing their grievances for redress ? If so, have they or the authorities of the M. S. M. Ry. considered them ?

(b) If the answer to the latter portion of (a) above be in the affirmative, will they be further pleased to state to what extent they have decided to redress these grievances ?

(c) Will Government be pleased to state whether it is a fact that the M. S. M. Railway Company has provided schools only for the children of its Anglo-Indian servants and that there is no school provided by it for the children of its Indian servants ? If so, why this is so ?

(d) If the answer to (a) above be in the affirmative, do Government intend to recommend to the authorities of the M. S. M. Ry. to take immediate steps to start some schools for the children of their Indian servants ?

**Mr. A. A. L. Parsons :** (a) and (b). The representation was to the Agent but unsigned copies were sent to the Railway Board for information.

(c) No, according to the latest information received the Madras and Southern Mahratta Railway have provided 5 schools for the children of Indian employees on their system.

(d) Does not arise, but the Honourable Member may like to know that the Railway Board are considering the whole question of the assistance given by railways towards the education of their employees' children.

PROVISION OF PERMANENT APPOINTMENTS FOR MEN RETRENCHED IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

2284. \***Lala Duni Chand** : Will the Government be pleased to place on the table of the House a statement showing :

- (a) The number of permanent men (excluding those who have been compulsorily retired or given gratuity) dispensed with under the recommendation of the Incheape Committee in the Government of India and attached offices ?
- (b) The number of such men as have been permanently provided for elsewhere ?
- (c) If the number of vacancies be greater than the number of persons dispensed with as under (a) above, will the Government be pleased to state why preference was not given to these men ?

**The Honourable Sir Alexander Muddiman** : (a) The Honourable Member is referred to the reply given by Mr. Gwynne to Sir D. P. Sarvadhikary's question No. 142 on 9th July 1923.

(b) All the permanent men whose posts were retrenched, other than those who were retired, have been employed in permanent posts with the exception of five men belonging to the Finger Print Bureau whom it has been difficult to place in permanent posts owing to their lack of qualifications. These five men are employed in temporary posts.

(c) Does not arise.

**Lala Duni Chand** : Is it not a fact that there are yet about twenty-five persons who have been retrenched but have not been provided for ?

**The Honourable Sir Alexander Muddiman** : The Honourable Member has not listened to my answer.

AMENDMENT OF THE INDIAN NEGOTIABLE INSTRUMENTS ACT, 1881.

2285. \***Lala Duni Chand** : (a) Are the Government aware that the English Bills of Exchange Act is materially different in several respects from the Indian Negotiable Instruments Act ?

(b) Is it fact that some of the provisions of the English Bills of Exchange Act, are as a matter of practice and usage, generally followed by the Indian banks ?

(c) If the replies to (a) and (b) be wholly or partly in the affirmative, are the Government prepared to undertake legislation with a view to bring the Indian Negotiable Instruments Act into line with the English Bills of Exchange Act, in so far as the existing and growing state of the Indian banking and trade require ?

**The Honourable Sir Charles Innes** : (a) There are some important differences between the two Acts.

(b) The Government are not aware of the practice of Indian Banks in this respect.

(c) The question of amending the Indian Act so as to bring it into accord with the English Act is under consideration. A reference has been made to the Local Governments and the High Courts and the former have been asked to forward their views after consultation with the mercantile community.

PAYMENT OF INCOME-TAX BY CHEQUES.

2286. \***Lala Duni Chand** : (a) Are Government aware that those persons who have to pay Income-tax into Government Treasuries periodically are subjected to great inconvenience owing to the payments thereof not being accepted in the form of cheques drawn on banks ?

(b) Is it also a fact that the payments of the above tax by means of cheques on European banks are invariably accepted while those by means of cheques on the Indian Banks are invariably refused ?

(d) Do the Government propose under the circumstances, to issue instructions that the payment of the above tax by means of cheques on recognised banks both Indian and European be accepted, and that in this matter, no distinction be made between Indian and European Banks ?

**The Honourable Sir Basil Blackett** : At places where the treasury business is conducted by the Imperial Bank, cheques on banks having clearing amounts with the Imperial Bank are accepted. This procedure has been in force since 1920. No distinction is made between Indian and European banks.

ASSESSMENT TO INCOME-TAX OF THE PROFITS OF THE PUNJAB NATIONAL BANK, LTD., LAHORE.

2287. \***Lala Duni Chand** : (a) Is it a fact that the Income-tax authorities in the Punjab assessed income-tax in 1923 on the profits of the Punjab National Bank Ltd., Lahore, which were utilized by the bank in bringing to the market rate the Government securities held by it ?

(b) If the reply to (a) be in the affirmative, are the Government prepared to issue instructions to the Income-tax Authorities in the Punjab that such profits are not assessable to Income-tax, being utilized to cover the depreciation of the Government Securities ?

**The Honourable Sir Basil Blackett** : (a) and (b). The Government are not aware of details of the case referred to by the Honourable Member, nor are they prepared to discuss on the floor of this House the details of individual assessments. I would, however, invite the attention of the Honourable Member to the concluding portion of paragraph 42 of the Notes and Instructions in the Income-tax Manual on pages 92 and 92a, which lays down the principles governing such cases.

**Lala Duni Chand** : I may inform the Honourable Member that the sum of Rs. 50,000 is involved.

**Mr. President** : The Honourable Member may ask a question ; he may not give information at this stage.

**INCOME-TAX ON THE PROFITS OF JOINT STOCK COMPANIES.**

**2288. \*Lala Duni Chand :** (a) Is it a fact that under the Income-tax Act, the income-tax on the profits of registered joint stock companies is levied at a much higher rate than the rate at which the majority of the share-holders are assessed, and the share-holders are left to the inconvenient course of applying for refund of the excess amount ?

(b) Is it also a fact that a large number of the share-holders, who are either entitled to the refund of the whole amount of the income-tax, paid by the bank on their dividends, or are entitled to the excess amount fail to apply for the refund, and thus large sums remain with the Government, to which they are not entitled ?

(c) If the reply to (a) and (b) be in the affirmative, do the Government propose to take early steps to remedy the state of affairs, as described above ?

**The Honourable Sir Basil Blackett :** (a) In accordance with Part I of Schedule III of the Indian Finance Act, 1924 income-tax is deducted at the rate of one anna and six pies in the rupee in the case of every company and every registered firm whatever its total income. Under section 48 of the Indian Income-tax Act XI of 1922 the shareholders in the company and the members of the registered firm may claim a refund of the whole or a portion of the tax paid if they are liable to be taxed at a lower rate. The Income-tax Department has strict instructions to facilitate the grant of refunds in every possible way.

(b) In view of the certificates issued by companies along with dividend warrants enabling shareholders to obtain a refund of the income-tax, if any is due to them, there is no reason to suppose that any considerable sums remain with the Government to which they are not entitled.

Part (c) of the question does not arise.

**WORKING HOURS OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.**

**2289. \*Lala Duni Chand :** (a) Is it a fact that owing to the reduction, recently effected in the working staff of the North Western Railway Stations the station masters and the assistant station masters are required to be on Line-Clear duty for 12 hours instead of 4 hours as previously, and besides this are required to do miscellaneous work, which takes 4 to 6 hours, and thus altogether their duty extends over 16 to 18 hours ?

(b) If so, do the Government propose to take early steps and devise means to relieve the working-staff from the pressure of over-work ?

**Mr. A. A. L. Parsons :** (a) It has been ascertained that the facts are not as stated.

(b) Therefore does not arise.

**ALLEGED OUTRAGE ON A WOMAN BY AN EUROPEAN SOLDIER AT JUBBULPORE.**

**2290. \*Mr. Ambika Prasad Sinha :** (a) Has the attention of the Government been drawn to a report published in the "Amrita Bazar Patrika", dated the 20th August 1924, and headed "Alleged outrage on a woman by an European soldier at Jubbulpore" ?

(b) Will the Government be pleased to state the true facts of the occurrences ; and the steps taken in this connection ?

**Mr. E. Burdon :** (a) Government have seen a copy of the article referred to by the Honourable Member.

(b) The soldier concerned is being tried by District Court Martial and I shall let the Honourable Member know the result in due course.

The matter being *sub judice* there is nothing further which can be said at present in reply to this part of the question.

GRIEVANCES OF EMPLOYEES ON THE EASTERN BENGAL RAILWAY.

2291. **\*Mr. Ambika Prasad Sinha :** (a) Has the attention of the Government been drawn to a letter published in the "Amrita Bazar Patrika", dated the 29th August 1924, and headed "Grievances of Railway employees on the Eastern Bengal Railway" ?

(b) Are the statements made in the letter, relating to the hard lot of the Indian employees, substantially correct ? And what steps do Government propose to take in the matter ?

**Mr. A. A. L. Parsons :** (a) Government have seen the letter referred to.

(b) Government have no information but will draw the Agent's attention to the allegations contained in the letter.

GRANT OF KING'S COMMISSIONS TO CADETS OF THE MILITARY TRAINING SCHOOLS AT INDORE AND WELLINGTON, RESPECTIVELY.

2292. **\*Sir P. S. Sivaswamy Aiyer :** Will the Government be pleased to state :

- (a) The number of Indian cadets who were admitted to the Military Training School at Indore in the year 1918, and the dates on which their training commenced and closed ?
- (b) How many of these cadets were granted probationary King's Commissions, and whether their commissions were granted on the 1st December 1919 ?
- (c) Whether these cadets were informed that on their passing their probation satisfactorily, they would be given permanent King's Commissions, not from the date of their probationary appointment but from some subsequent date ?
- (d) Whether the Indian cadets who were appointed on probation, have all been now granted permanent King's Commissions, and if so, only with effect from the 16th July 1920, and not from 1st December 1919, when their probationary commissions were issued, thus causing them loss of service, and seniority, by a period of 7½ months ?
- (e) Whether the British cadets whose training at the Wellington Training School commenced in January 1919, were granted permanent King's Commissions with effect from the 29th January 1920 ?
- (f) Whether the military training undergone by the Wellington cadets in Britain, commenced before the military training of the July batch of the Sandhurst cadets of 1918 ?



(g) Whether notwithstanding the fact, that even the British training of the Wellington cadets commenced subsequent to that of the Sandhurst cadets, they were granted permanent King's Commissions with effect from the 29th January 1920, the date of their probationary appointment, in seniority to the Sandhurst cadets of July 1918 by 5½ months ?

(h) Whether there is any reason for the apparent inequality of treatment between the Wellington and Indore cadets, and for refusing to grant permanent King's Commission to the Indore cadets with effect from the 1st December 1919 ?

**Mr. E. Burdon :** As the answer to this question is rather long and unless read with replies previously given to other questions is obscure, with your permission, Sir, I will lay it on the table.

(a) 42 Indian cadets were admitted to the Military Training School at Indore in 1918. These cadets commenced their training on the 15th October 1918 and the period of training lasted for 12 months.

(b) 39 were granted probationary King's Commissions with effect from the 1st December 1919. 3 failed to qualify.

(c) The Government of India have no information on the point.

(d) 33 of the Indian cadets who were appointed on probation were subsequently granted King's Commissions with effect from the 17th July 1920. As regards the other 6, one died, 2 were found unsuitable and 3 resigned.

(e) The answer is in the affirmative.

(f) No. The military training which was undergone by the Wellington cadets in Britain commenced on the 20th September 1918, while that of the July 1918 batch of Sandhurst cadets commenced on the 10th September 1918.

(g) The Wellington cadets were not given seniority over all the Sandhurst cadets referred to by the Honourable Member for 70 per cent. of Sandhurst cadets were commissioned with effect from the 17th December 1919 and 30 per cent. were commissioned with effect from the 16th July 1920. The Government of India are not aware of the reasons which led to the extension of the period of training in respect of this 30 per cent. of the July 1918 batch of Sandhurst cadets.

(h) The attention of the Honourable Member is invited to the reply given on the 22nd February 1922 to question No. 196.

#### DATE OF TERMINATION OF THE CONTRACT WITH THE BURMA RAILWAY.

2293 **\*Maung Tok Kyi :** (a) Will the Government be pleased to state when the existing contract with the Burma Railways Co. will expire ?

(b) Is there any intention on the part of the Govt. to take over the Burma Railways, at the termination of the said contract ?

(c) What is the capital invested in the Burma Railways by the Government and the Burma Railways Co., respectively ?

**Mr. A. A. L. Parsons :** (a) The earliest date on which the existing contract with the Burma Railways Company can be terminated is the 31st December 1928.

(b) The question has not yet been considered.

(c) Rs. 19,34,02,713 by Government and Rs. 6,69,66,629 by the Company.

**PURCHASE OF RAILWAYS IN BURMA CONSTRUCTED FROM "RICE CONTROL PROFITS."**

2294. **\*Maung Tok Kyi :** (a) Is it a fact that the Government are negotiating with the Burma Government for the purchase of the lines of railways in Burma constructed from "Rice Control Profits" ?

(b) If so, will the Government be pleased to state if the terms of purchase have been settled or not ?

(c) If the answer be in the affirmative, will the Government be pleased to lay the terms on the table ?

**Mr. A. A. L. Parsons :** (a) The reply is in the affirmative.

(b) and (c). The terms of purchase have not yet been settled.

**BALANCE OF RICE CONTROL PROFITS IN THE HANDS OF GOVERNMENT.**

2295. **\*Maung Tok Kyi :** (a) Is there any portion of the "Rice Control Profits" still in the hands of the Government ?

(b) If there is, will the Government be pleased to state the amount at the end of the financial year 1923-24 ?

(c) Will the Government be also pleased to state if they have ever paid interest on the balance of "Rice Control Profits" in their hands ?

**The Honourable Sir Basil Blackett :** (a) and (b). Rs. 3,07 lakhs according to the Burma Government's Revised Estimate for 1923-24.

(c) Under the existing practice interest is not paid on Provincial Government balances.

**REVISION OF THE AJMER MUNICIPALITIES REGULATION.**

2296. **\*Rai Sahib M. Harbilas Sarda :** (a) Was the Ajmer Municipalities Regulation at present in force in Ajmer-Merwara enacted 40 years ago and has it not been amended since to bring it into line with the Municipal Regulations in force in other parts of India like the United Provinces, Bombay or Bengal ?

(b) Is it a fact that a new Municipal Regulation for Ajmer-Merwara was framed about 4 years ago but has not yet received the assent of the Governor General in Council ? If so, is it likely to come into force before the next municipal elections take place in Ajmer in 1925 ?

**Mr. Denys Bray :** (a) The Ajmer Municipalities Regulation was introduced in 1886 and has been amended once to bring section 128 into line with the corresponding section of the Punjab Municipal Act.

(b) The reply to the first part is in the affirmative. As regards the second part, the revised Regulation will probably come into force before the end of this year.

**WOUND, DISABILITY AND FAMILY PENSIONS IN CONNECTION WITH CASUALTIES OCCURRING IN WAZIRISTAN OR ON THE NORTH-WEST FRONTIER.**

**Colonel J. D. Crawford :** With your permission, Sir, I would like to put the question of which I have given private notice.

Will the Government be pleased to state :

(a) what is the existing practice regarding the grant of wound, disability and family pensions to officers and men and their

families as the result of casualties occurring in Waziristan or on the North-West Frontier ?

(b) what has been the practice in the past ?

**Mr. E. Burdon :** Sir, the answer to this question also is rather long, but as it relates to a matter which has provoked a considerable amount of interest recently, perhaps the House will permit me to read out the reply.

On the presumption that the Honourable Member's question refers to the Indian Army only, the answer is as follows :—

(a) Wound pensions as such have recently been abolished and disability pensions have taken their place. In the case of *British officers of the Indian Army*, the grant of *disability pensions* is governed by the provisions of the revised paragraph 427 *et seq.* P. and A. Regulations, Part II, as published with A. I. (I.) No. 791 of 1924. Disability pensions are granted in respect of all casualties which are attributable to military service, and among such casualties no distinction is made between those which are due to field service and those which are not due to field service.

*Family pensions* in the case of the above class of officers are granted under paragraph 482, P. and A. Regulations, Part II. No distinction is made between cases in which death is connected with field service and those in which it is not. Higher rates of pension may be granted if an officer's death is due to wounds, injuries or disease directly attributable to the conditions of service.

As regards *Indian officers holding the Viceroy's Commission and Indian ranks*, the *family pension* is the same whether the officer or man is killed on field service or dies from any cause attributable to military service. In the case of *disability pensions* for this class, only 3-4ths of the field service rate is admissible, if the disability is not attributable to service in the field. The question whether casualties arising in Waziristan, in circumstances similar to those encountered on field service, should not be viewed as arising on field service for the purpose of the assessment of disability pensions is at present being considered.

(b) The rules which before, during and after the war regulated wound, injury and family pensions admissible to all ranks of the Indian Army have recently undergone a complete revision, and the present position is as described in my answer to part (a). Under the pre-existing rules special provision was always made for the grant to Indian officers and other ranks of wound and family pensions in respect of casualties incurred during peace under conditions of service involving exceptional risk such as service in Waziristan. Important changes that the recent rules have introduced are—

(1) wound pensions as such have been abolished, and have been replaced by disability pensions granted under the liberal conditions of eligibility which I have described ;  
and

- (2) a disability pension, unlike the old wound pension, is not admissible to an officer, other than a Viceroy's commissioned officer, unless he is invalided from the service.

**Sir Purshotamdas Thakurdas :** Sir, before I put the questions which stand in my name on the short notice list, I would like to say a few words. In view of the two Bills of which I had given notice, known as the Currency Bills, being ballotted for the 23rd, and being low on the ballot list, I asked the Honourable the Finance Member if he would be pleased to see that I got one of the Government days for discussion of these two Bills in the Assembly. The Honourable the Finance Member having expressed his inability to comply with my request, I next asked if he would accept private notice of a few questions, which practically touched the subject matter of the two Bills. He has been good enough to agree to answer these questions of which I gave private notice, and I will now proceed to put these questions one by one. Question No. 1.

**The Honourable Sir Basil Blackett :** I would ask the Honourable Member to put all the questions together....

**Mr. President :** Order, order. All Honourable Members have not the printed copies of these private questions.

**Sir Purshotamdas Thakurdas :** I will read them out. May I know if the Finance Member would like me to read all the questions together ?

**The Honourable Sir Basil Blackett :** I will answer the first four together.

**Sir Purshotamdas Thakurdas :** Then I will read the first four questions together.

PUBLIC SUBSCRIPTIONS TO THE GOVERNMENT OF INDIA LOAN.

INCREASE IN THE BANK RATE.

STRINGENCY OF THE INDIAN MONEY MARKET.

**Sir Purshotamdas Thakurdas :** 1. What is the total amount of the Government of India loan subscribed this year by the public ?

2. Is it a fact that the Bank Rate was increased by 1 per cent. to 5 per cent. in the third week of August last ?

3. Will Government name similar precedents in the last 25 years when the Bank Rate had to be put up in the month of August ?

4. Are Government aware that the money market in India is tighter at present than in corresponding periods of normal years ?

**The Honourable Sir Basil Blackett :** (1) The amount subscribed by the public to the Government of India Rupee Loan this year was Rs. 13,20,77,200.

(2) The Imperial Bank of India raised its rate from 4 per cent. to 5 per cent. in the third week of August 1924.

(3) The bank rate was raised in 1906 and 1913 by the Bank of Bengal from 4 per cent. to 5 per cent. during August, from 3 per cent to 5 per cent. and from 4 per cent. to 6 per cent. by the Bank of Bengal and the Bank of Bombay, respectively, in 1914 while in 1915 to 1921 inclusive the bank rate was 5 per cent. or over throughout August except that in

the case of the Bank of Bombay it was raised from 4 per cent. to 5 per cent. in the middle of August 1916.

(4) On the whole I think it is true to say that the money market in India is more stringent at the moment than usual at this time of the year.

**Sardar V. N. Mutalik :** How far is the Government loan responsible for this increase in the bank rate ?

**The Honourable Sir Basil Blackett :** I would ask that the rest of the questions might be put, because the answers to most of these supplementary questions will probably be found in the answers to the original questions.

**Sardar V. N. Mutalik :** I suppose I shall have an opportunity to put supplementary questions afterwards on all questions.

#### STRINGENCY OF THE MONEY MARKET.

#### FIXING OF A NEW GOLD RATIO FOR THE RUPEE.

#### REVISION OF THE PRESENT CURRENCY POLICY OF GOVERNMENT.

#### Sir Purshotamdas Thakurdas :

5. In view of the satisfactory state of the currency, will Government be pleased to explain the scarcity of money that was perceived last season and is felt as early as September this year ?

6. Are Government aware that apprehensions are widely entertained that unless the Government of India change their policy followed till now and arrange for automatic expansion of the country's currency, the tightness of the money market may increase seriously and affect the marketing of the crops of India during the next six months ?

7. Will Government be pleased to state their policy regarding provision of adequate currency in case of the apprehensions stated in question (6) above prevailing ?

8. Will Government be pleased to state when they expect—

(a) to take steps themselves to change the ratio in the Statute, or

(b) to give necessary facility for, and support to, a non-official Member suggesting a change from the two shilling ratio ?

9. (a) Has the attention of Government been drawn to a telegram from London printed in the *Bombay Chronicle* of the 27th August last, wherein it is stated that Lord Meston and Sir James Wilson stated last month that it is of great importance to the trade of India and the welfare of the population that the value in gold of the rupee should be stabilised ? Are Government aware that it is further stated by these authorities with considerable experience of Indian Finance that now that the rupee is  $\frac{1}{15}$  of the gold in a sovereign, it will require no great effort to stabilise it at that rate ?

(b) Has the attention of Government been drawn to the issue of the *Financial News* of London which says that the continuance of the two shillings ratio on the Statute-book has brought India's trade and industry to the verge of bankruptcy ?

10. Are Government prepared to consider the question of appointing a Committee in India with a majority of Indians to revise the present

currency policy of the Government of India with special reference to provision of adequate currency and other cognate details ?

**The Honourable Sir Basil Blackett :** I propose to give a separate answer to question No. 9. In reply to the remainder of the questions, I think it will be more useful to make a general statement than to reply to each question independently in isolation.

(9) (a) I do not think that Lord Meston has expressed himself in favour of the immediate stabilisation of the rupee at 1s. 4d. gold. Sir James Wilson, writing to the " London Times " on the 22nd August 1924 does indeed advocate this course, but in doing so he writes :

" It might be necessary to reduce the quantity of rupee currency in circulation and this could most easily be done by withdrawing a portion of the greatly inflated note circulation."

This does not suggest that Sir James Wilson is closely acquainted with present day financial conditions in India.

(b) The statement that the continuance of the 2-shilling ratio on the Statute-book has brought India's trade and industry to the verge of bankruptcy seems to me patently incorrect and not to deserve serious attention either from the Honourable Member or from the Government.

In regard to the remainder of the questions, three separate points are raised :

(a) the continuance of the statutory ratio of 2 shilling gold for the rupee ;

(b) the question of substituting a ratio of 1s. 4d. gold ; and

(c) stringency in the money market.

These questions are inter-connected but not so closely I think as is implied in the question.

As regards (a), the Government, as has been stated more than once, regard the 2 shilling ratio as inoperative but harmless. They desire that in due course an effective ratio should be substituted for the 2 shilling ratio, but it is necessary first of all to be sure that whatever new ratio is decided upon can be made fully effective as well as to determine what the new ratio ought to be. I would point out to the Honourable Member that a ratio of 1s. 4d. gold would have been as inoperative during the last busy season as the 2 shilling ratio was, and that the 2 shilling ratio cannot, therefore, be said to have prevented the automatic expansion of the currency.

(b) The Government do not think that it will be in the interests of India to fix a new gold ratio for the rupee forthwith, at a time when countries like Holland, Switzerland and South Africa regard a return to the gold standard in their own case as a somewhat rash experiment until they are more certain of what will happen to sterling. The satisfactory outcome of the London Conference on Reparations undoubtedly gives hope that the moment for action will be accelerated, but it has not yet arrived. When the time comes, it will be necessary that the Government should be in a position to make the rate decided upon fully effective, and that there should be means for supporting the exchange if it threatens to fall below the new statutory rate—a point which is not provided for in the Bills of which the Honourable Member has given notice. Moreover, before action can be taken very careful

consideration must be given to the question whether a rate of 1s. 4d. gold or some higher rate is most likely to be beneficial to India, regard being had to the interests of the consumer and the tax-payer as well as the other interests concerned. The Government are not in a position to fix the date when they expect themselves to be in a position to introduce legislation for altering the existing statutory ratio. Until that time comes, they are not prepared to support or give facilities to legislation on the subject introduced by a non-official Member. The question of appointing a Committee to consider and advise on currency policy before action is finally taken is one to which the Government have given, and will give, careful consideration. They are not, however, prepared to make an announcement on the subject at present.

(c) I have left to the last the question of stringency in the money market. Until the economic disturbances caused by the war when India's currency was greatly expanded have receded further into the background and until the new savings annually available for capital investment in India become more nearly equal to the demand, some stringency is probably unavoidable during the busy season in India. A rise in the bank rate may exercise a salutary check on speculation, but a very high rate long continued must hamper legitimate trade. I have already pointed out that a ratio of 1s. 4d. gold would not in any way have relieved the stringency during the last busy season whereas the Government were able, by issuing currency notes to a total of 12 crores against sterling in London, to provide material relief over and above the relief afforded by the emergency currency legislation. The Government recognise that, quite apart from the natural affection for cheap money which is always to be found in certain portions of any business community, there is serious disquietude at present in India in regard to the tightness of money and its possible effects during the coming busy season. The Government have already announced certain relaxations in the rules regarding the issue of emergency currency. Apart from this, they have every intention of using to the fullest extent necessary their powers to issue currency against purchases of sterling. But the Government are confident that by the free use of the powers available to them under existing conditions they will be in a better position to provide suitable relief for undue stringency during the coming winter than if they were to proceed immediately and, as they believe, hastily to alter the statutory ratio of the rupee.

**Sir Purshotamdas Thakurdas :** I hope the Honourable Member will not mind if I put a few supplementary questions arising out of the statement that he has made. I would rather not put these questions if he should mind it. The Honourable Member said that the tightness of the money market has put a stop to speculation. May I know, Sir, if the Government of India have any information as to speculation being rife or even likely in any important market in India at present ?

**The Honourable Sir Basil Blackett :** Certainly the Government have general information as to the state of various markets. Some forms of speculation may be desirable. Speculation in itself is not an undesirable thing. It is a mere question of its reasonable limits.

**Sir Purshotamdas Thakurdas :** My question was--are the Government aware of any objectionable form of speculation being rife at present which should be checked by tight money market ?

**The Honourable Sir Basil Blackett** : I do not think I can really be expected to enter into an argumentative discussion of this sort in answer to a question.

**Sir Purshotamdas Thakurdas** : With regard to the relaxation of rules, the Honourable Member said that the relaxation is that 4 crores are available to the Imperial Bank at 7 per cent. Do the Government of India propose to further consider the advisability of some more concessions in view of the tightness of the money market at present ?

**The Honourable Sir Basil Blackett** : I do not think I can add anything to the answer which I have already given on that point.

**Mr. Jamnadas M. Mehta** : Is not 7 per cent. itself a very heavy rate ?

**The Honourable Sir Basil Blackett** : It may or may not be.

**Mr. Jamnadas M. Mehta** : I want a definite answer ?

**The Honourable Sir Basil Blackett** : I have given it.

**Mr. Jamnadas M. Mehta** : Is it high in comparison with the London market rate ? I want a comparison to be made.

**The Honourable Sir Basil Blackett** : I have given the only answer that is possible, namely, that 7 per cent. may be a very high rate and it may be a very low one.

**Mr. Jamnadas M. Mehta** : It is not an answer ; it is an evasion.

**Sir Purshotamdas Thakurdas** : The Honourable Member has also referred to some stringency. May I ask the Honourable Member if he is aware that  $3\frac{1}{2}$  per cent. Government paper has gone down during the course of the last four weeks from  $68\frac{1}{2}$  to  $63\frac{1}{4}$ , that the 1926 Loan has gone down from Rs. 101|10|0 to Rs. 99|12|0 and that the latest Loan of the Government of India, to which the public subscribed 13 crores has gone down by Rs. 2 per cent.

**The Honourable Sir Basil Blackett** : The latest figures that I saw did not show such a large fall ; but I am perfectly aware that there has been a considerable fall.

**Mr. Harchandrai Vishindas** : Will the Honourable Member state whether he is in a position to say in what cases 7 per cent. will be considered to be a high rate of interest and in what cases it will be considered a low rate of interest ?

**The Honourable Sir Basil Blackett** : If the Honourable Member were trying to hold up produce on borrowed money when it ought to be sold, 7 per cent. might be a very desirable rate.

**Mr. Jamnadas M. Mehta** : Is it a fact that as a result of this new statutory rate, the currency has been contracted to the extent of 62 crores ?

**The Honourable Sir Basil Blackett** : That, Sir, is a question of arithmetic. If you take the effect of the old statutory rate from the date when it was first made effective, then it will be seen that the currency was increased by more than 62 crores.

**Mr. Jamnadas M. Mehta** : I mean from 1920 onwards. Is it not a fact that as a result of this new rate it is less by 62 crores than it would otherwise have been ?



**The Honourable Sir Basil Blackett** : I am not sure exactly from what date the contraction of the currency has begun. But there has been some desirable contraction of the currency during the last four years. If the Honourable Member will put down a question on this subject, I shall be able to give him an answer. I do not carry these figures in my head.

**Sir Purshotamdas Thakurdas** : Would it be correct to infer from the Honourable the Finance Member's statement that the Government of India are in favour of a higher ratio than 1s. 4d. gold and that they have not yet made up their mind to change the ratio from 2s. gold ?

**The Honourable Sir Basil Blackett** : It would not be a correct inference. The correct inference would be that this matter is one which the Government think should receive careful consideration.

**Mr. Jamnadas M. Mehta** : Is it not a fact that a higher rate of exchange is a very good incentive to imports ?

**The Honourable Sir Basil Blackett** : It is not a fact. A rising rate of exchange may however have that effect.

**Mr. President** : I think Honourable Members had better not put any more questions on this subject.

**Sir Purshotamdas Thakurdas** : I wish to express my sincere thanks to the Honourable Sir Basil Blackett for having given me this opportunity of bringing up this matter.

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### UNSTARRED QUESTIONS AND ANSWERS.

#### EMOLUMENTS OF POSTAL CLERKS AND R. M. S. SORTERS IN BURMA AND INDIA.

**409. Mr. M. C. Naidu** : Will the Government be pleased to state what was the starting and other grades of pay of the Post Office clerks and the R. M. S. sorters in Burma and in India prior to the introduction of the present time-scales of pay and what are the rates now, both in India and in Burma ? If they are equal, what led the Government to make them equal in total disregard of the special local conditions prevailing in Burma for which higher rates of pay existed prior to the introduction of time-scales of pay.

**The Honourable Mr. A. C. Chatterjee** : Prior to the introduction of the time-scales, the grades of pay for Post Office clerks and R. M. S. sorters in India of corresponding rank ranged from Rs. 30 to Rs. 100 except in Bombay City, Calcutta and Baluchistan where the minimum pay of Post Office clerks was Rs. 40. In Burma the grades for both Post Office clerks and R. M. S. sorters ranged from Rs. 40 to Rs. 100 except in Rangoon where the lowest grade for the former was Rs. 50.

The time-scales sanctioned for Post Office clerks and R. M. S. clerks in accordance with the recommendations of the Postal Committee, 1920, will be found in Commerce Department Resolutions No. 6458, dated the 23rd September 1920, and No. 6584, dated the 29th September 1920, which were published in the Gazette of India. Since those orders were issued, the time-scales of pay for Post Office clerks in Baluchistan and Rangoon have been raised from Rs. 45—140 and Rs. 50—140 to Rs. 55—140 and

Rs. 60—150 respectively, while the local allowance of R. M. S. sorters stationed in Rangoon has been increased from Rs. 10 to Rs. 20 a month.

The present position of Post Office clerks and R. M. S. sorters in Rangoon in relation to that of such officials in India calls for no comment. The Post Office clerks throughout Burma (outside Rangoon) have been placed on the same time-scale as officials of the same class in the largest and, therefore, the most expensive towns in India except Bombay, Calcutta (including Howrah and Alipore), Madras, Karachi, Lahore and Delhi. In the case of R. M. S. sorters generally, it has been recognised that their work is of a somewhat lower order than that of Post Office clerks and they have accordingly been placed on time-scales which, though equal in respect of the minimum, falls short by Rs. 10 in respect of the maximum of the scales provided for Post Office clerks serving in the same localities. As, therefore, the R. M. S. sorters in India with the exception of those whose headquarters are at Bombay, Calcutta (including Howrah) and Madras have for the most part to live at places where Post Office clerks are on a time-scale of Rs. 40—130, they have been placed on a time-scale of Rs. 40—120, and, in accordance with the same principle, the R. M. S. sorters in the Burma mofussil have been given the latter time-scale, seeing that the Post Office clerks serving in the same localities are on a time-scale of Rs. 40—130.

#### GRANT OF BURMA ALLOWANCE TO POSTAL AND R. M. S. SUBORDINATES IN BURMA.

410. **Mr. M. C. Naidu :** (a) Are the Government aware that owing to the peculiar situation of Burma with which the means of communication are limited, the cost of living in Burma is appreciably higher than in India ?

(b) Is it not a fact, that the officials in Burma do draw, in recognition of the costlier living, travelling allowance 50 per cent. more than what is admissible in India according to the Civil Service Regulations ?

(c) Are Government aware that the officers of the Telegraph Service in Burma irrespective of their recruitment either in Burma or India, are in receipt of Burma allowance ?

(d) Are Government aware also of the fact that the Postal Officers also in Burma whether recruited in Burma or in India, whether Europeans or Anglo-Indians or Burmans are also in receipt of Burma allowance ?

(e) If so, will the Government be pleased to state the reason why, such an allowance has been denied to the Postal and R. M. S. subordinates in Burma ?

**The Honourable Mr. A. C. Chatterjee :** (a) Government believe that, generally speaking, the cost of living is higher in Burma than in India.

(b) The rates of daily allowance and road mileage in Burma are higher than the lowest rates in India but the percentage of excess varies with the pay of the officer concerned.

(c) and (d). Burma allowance is granted to all officers of the Telegraph Service who are transferable outside that Province and also to gazetted Postal officers who are so transferable. The normal scale of pay of such officers has to be fixed in reference to employment in India and not in Burma.

(e) As the Postal and R. M. S. subordinates, unlike the gazetted officers, are not transferable outside the Province, the grant of a Burma allowance would have been inappropriate. The proper course was to provide them with suitable scales of pay, and this has been done.

**GRANT OF COMPENSATORY ALLOWANCES TO THE POSTAL AND R. M. S. OFFICIALS IN THE MUFASSIL IN BURMA.**

**411. Mr. M. C. Naidu:** (a) Are Government aware of the fact that discontent runs high amongst the Postal and R. M. S. officials in the mufassil in Burma owing to the non-extension to them of the little relief granted recently to the officials in Rangoon in the shape of a small increase in pay to some and a compensatory allowance to others? (b) Do the Government know that the conditions of living, housing and foodstuffs, etc., are not on the whole any way better in the mufassil than those in the city of Rangoon. (c) If not, are the Government prepared to have the question properly investigated by a Committee consisting at least of half of its members from the accredited representatives of the Burma Postal Association, if there exists any doubt as to the existence of equally bad conditions of living in the mufassil?

**Mr. H. A. Sams:** (a) No.

(b) Government have reason to believe that the cost of living is substantially higher in Rangoon than in the ordinary stations of the Burma mufassil.

(c) Does not arise.

**DISMISSAL OF MR. SERAJUDDIN, A MACHINEMAN IN THE EASTERN BENGAL RAILWAY WORKSHOP AT Dacca.**

**412. Khwaja Abdul Karim:** Are the Government aware that Md. Serajuddin, a machineman at the Dacca E. B. Railway workshop, was dismissed from service in June last for simply saying his mid-day prayer in that office?

**Mr. C. D. M. Hindley:** Mr. Serajuddin was discharged from service for idling and absence from work and not for the reason stated in the question.

**PROVISION OF OVERBRIDGES AT CERTAIN LEVEL CROSSINGS IN Dacca.**

**413. Khwaja Abdul Karim:** Are the Government aware that several persons were killed and communication very often interrupted at important hours of the day by running trains at the Railway level crossings situated at (a) Dewan Bazar Road (b) Fulbaria Road (c) North Nawalpur Road and (d) Ticcataly Road in the city of Dacca on account of the absence of overbridges at these crossings? Do the Government propose to consider the necessity of creating overbridges at these crossings at an early date?

**Mr. C. D. M. Hindley:** Inquiries made show that no persons were killed during the last four years at any of the level crossings mentioned.

A foot overbridge near Dewan Bazar is provided but it is very little used.

So far as Government are aware, interruption to traffic is not excessive and overbridges are not necessary at present, but this is a matter that may suitably be brought to the notice of the Agent through his Advisory Committee.

#### REPRESENTATION OF THE RURAL CLASSES IN THE PROVINCIAL AND CENTRAL LEGISLATURES.

414. **Sardar Gulab Singh** : Will the Government please give the following information with regard to rural representation on legislative bodies :

- (1) The proportion of rural to urban population in India and in each province. (2) The percentage of the total revenue derived from the rural population and from the urban population. (3) The proportion of rural representation in Legislative Councils, Legislative Assembly and the Council of State.

**The Honourable Alexander Muddiman** : I gather that the Honourable Member wishes me to make a comparison between the proportion of the rural population to the total population the proportion of revenue paid by the rural population to the total revenue and the proportion of the rural to the total representation in the various Legislatures in India. No statistics as to the proportion of the total revenue which has been paid by the rural population are available in the Government of India accounts. The urban and rural population of the various areas in India are given in Imperial table I to the Census Report. Similarly, the rural and urban seats in each Legislature in India can be gathered either from the electoral rules or from the return of the last general election. Copies of all these papers are in the Library. I note, however, that the distinction between rural and urban in the two cases is not identical and no useful purpose will, therefore, be served by tabulating the various proportions. In the case of the census tables, the rural population is the population living in towns and a town includes every municipality, every cantonment, all civil lines not included in municipal limits and every other collection of houses permanently inhabited by not less than 5,000 persons. For electoral purposes, on the other hand, urban seats were given generally to areas which were considered to have urban as distinct from rural characteristics.

#### RATES TRIBUNAL.

415. **Mr. N. C. Kelkar** : Will Government be pleased to state what progress has been made with regard to the scheme of the Railway Rates Tribunal ?

**Mr. C. D. M. Hindley** : The Honourable Member is referred to the answer given in this Assembly to question No. 2139 on 17th September 1924, on the same subject.

#### CORRESPONDENCE WITH THE BOMBAY GOVERNMENT *re* THE TAXATION COMMITTEE.

416. **Mr. N. C. Kelkar** : Will Government be pleased to lay on the table the correspondence which they had with the Government of Bombay on the question of the Taxation Committee ?

**The Honourable Sir Basil Blackett** : The reply is in the negative.

## COST OF MANUFACTURE OF INDIAN PAPER.

**417. Mr. M. C. Naidu :** Will the Government please state whether Indian paper can be manufactured at rates cheaper and of a quality equal to the imported article ?

**The Honourable Mr. A. C. Chatterjee :** I must ask the Honourable Member to await the result of the deliberations of the Tariff Board on this question.

## NORTH WESTERN RAILWAY SLEEPER CONTRACT.

**418. Lala Hans Raj :** (a) Will the Government be pleased to state if a Committee of inquiry of the Central Advisory Committee was appointed to go into the 5 years N. W. R. sleeper contract given in 1922 to Messrs. Spedding & Co. ?

(b) If the reply to part (a) be in the affirmative, will the Government be pleased to state if any evidence has been taken by this Committee, if so, will the Government be pleased to state if the evidence of any timber merchants was taken, if not, why ?

(c) Will the Government be pleased to state if the Committee has made any report, if so, will the Government be pleased to lay on table all the proceedings including the report ?

(d) Will the Government be pleased to state what action it intends to take on this report ?

**Mr. C. D. M. Hindley :** The Honourable Member is referred to the replies given to similar questions asked in this House by Mr. Chaman Lall on the 10th September and by Lala Duni Chand on the 3rd September.

PERSONAL EXPLANATION BY SARDAR BAHADUR CAPTAIN  
HIRA SINGH *re* REMARKS MADE BY PANDIT MADAN  
MOHAN MALAVIYA.

**Sardar Bahadur Captain Hira Singh** (Punjab : Nominated Non-Official) : Sir, I rise on a point of personal explanation. It was with great regret, Sir, a couple of days ago in my absence from the Chamber, that I heard that my Honourable friend, Pandit Madan Mohan Malaviya, made some incorrect remarks about me which were to the effect that I was reading out the notes provided to me by others.

(At this stage Pandit Madan Mohan Malaviya rose to speak.)

Sir, I have not yet finished my remarks. Sir, this House contains many excellent and very good speakers. But, with the exception of three or four, they were not born when I and other Indian soldiers were fighting in the frontiers of India to ensure that they may be born in peace and tranquillity. Not only that, but my friend, I should say, must have been enjoying his summer in a cool climate on the banks of the Ganges under big shaded trees and probably turning the pages of his law books or fortune and misfortune making books, when I was digging the trenches in Waziristan and Malakand. However, I have very great regard for my Honourable friend. But, to my misfortune, he and his admirers, or my admirers, think that I have got no opinion of my own on political questions.

**Mr. President :** Order, order. If the Honourable Member has a matter to explain in which he feels that he has been the subject of misrepresentation, he must do so in brief and appropriate terms. I understand he is referring to a passage which occurred in the speech of Pandit Madan Mohan Malaviya. Will he kindly come to the point now, so that we may get on with the business of the day.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, my friend is mistaken in thinking that I said that he read notes prepared by others. I distinctly avoided saying that. When I was speaking, somebody from behind said that the notes were supplied by others. I said I did not want to say that, and I left the matter there. I did say I apprehended that the Captain had got into the habit of reading notes for the edification of some Honourable Members of the House. But I expressed that opinion because I could not believe that the sentiments which Captain Hira Singh gave expression to could proceed from the head or the heart of an Indian who had considered the subject thoroughly and spoke independently.

**Sardar Bahadur Captain Hira Singh :** I have, Sir, my own opinion and I form my own judgment just as any other Members do. They were in substance and form my own, and they give expression to my own thoughts and to my own views.

#### THE LAND CUSTOMS BILL.

**The Honourable Sir Basil Blackett** (Finance Member) : Sir, I beg to move :

“ That the Report of the Select Committee on the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India, be taken into consideration.”

It will be remembered that when this Bill was referred to Select Committee there was a desire expressed in this House that the Bill should be so modified as not to give the Government any new powers in regard to land customs imposable upon Indian States. The Select Committee have dealt with that difficulty in a way that was fully agreed to in the Committee, and will I think meet the desires of the House. I do not think I need, therefore, do any more at this stage than make the motion.

**Mr. Jamnadas M. Mehta** (Bombay Northern Division Non-Muhammadan Rural) : Sir, in giving my support to this motion of the Honourable the Finance Member I will, with the permission of the House, make a few observations about the changes that have been made in the original Bill by the Select Committee.

It is a satisfactory feature that it was found very easy to exclude the Indian States from the operation of this Bill. The draftsman's skill achieved in one moment what took us two hours to discuss in this House, and I think we are obliged to the draftsman who did it.

I may also inform the House that the effect of this, particularly on the people of Kathiawar, has been so great that I have received several messages expressing relief at the information that they have been so excluded. Perhaps the House will not understand why the people there were so anxious about this matter, unless I told them that during the time the Bombay Land Customs Frontier Act was applied at Viramgam the people of Kathiawar were, for 15 years, very much

[Mr. Jamnadas M. Mehta.]

harassed ; children, women and old men, whether in the winter or during the monsoon or in the dead of night or early in the morning by trains arriving at any hour of the day or night, and the British Government were identified with the reign of terror that prevailed. Any prospect of the reimposition of that measure or any other such measure has therefore always been looked upon with the same terror of alarm as any nation would experience, say, from a blockade by the British Navy.

The omission of Indian States from this measure is all the more welcome at this moment as I understand, Sir, that His Excellency the Viceroy is going to visit Kathiawar very shortly. I am informed that in Rajkote they propose to give an address to His Excellency the Viceroy, not because of this relief, but in connection with his visit. As a Swarajist, I would say at once that I do not approve of such visits, it is nevertheless a fact that an address is being arranged at Rajkote for His Excellency the Viceroy during his forthcoming visit. (*A Voice* : "Do you approve of such visits ?") I do not approve of them, but rather regard them as visitations. This proposed visit will mean an expenditure of about 30 lakhs of rupees to the poor people of Kathiawar and, as I have already said, I do not approve of such visits.

Then as regards the other changes in the Bill, there are several amendments which will be discussed in due course. I was glad to find that the veteran Sir Sivaswamy Aiyer, who thought I was merely giving expression to unfounded alarm, was on fuller information in the Select Committee persuaded to adopt the view that it was necessary to omit the Kathiawar States. I was accused by the *Statesman* of being a friend of the smugglers and the most rigid advocate of free trade, because I wanted the exclusion of the Indian States. If the writer had taken the trouble to understand the subject he would have seen that I repeatedly emphasized the fact that I did not want Government to lose any revenues, and that I only wanted to protect those who had no opportunity to place their views before the House ; but where ignorance is bliss, 'tis folly to be wise. I do not think the *Statesman* knows anything about the conditions in Kathiawar, otherwise it would not have written this "ridiculous nonsense," as Sir Basil Blackett said yesterday.

There is one other thing I would like to mention and that is that there is a provision in the Bill boldly importing certain sections of the Sea Customs Act without weighing whether all of them would be applicable or not ; in the Select Committee it was found very difficult to see whether each section would fit in properly or not, and the Select Committee very properly threw out the insertion of section 168 ; it contemplates that not only dutiable goods should be confiscated but also the wagon, the carriage, the horse, the bullock and any other thing in which such goods were conveyed ; but apparently not the driver. For Rs. 10 worth of goods it was absurd to confiscate the horse, wagon, bullock, etc. Therefore the Select Committee wisely threw out section 168 and Government very properly accepted it without much hesitation.

On the whole, the Bill as it comes from the Select Committee has been pruned of most of its objectionable features and I hope the House will agree to its being carried.

**Mr. President :** The question is :

“ That the Report of the Select Committee on the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India, be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

**Mr. N. C. Kelkar** (Bombay Central Division : Non-Muhammadian Rural) : Sir, I rise to propose the amendment which stands in my name and which reads thus :

“ In clause 4 (b), after the word ‘ alone ’ insert the word ‘ dutiable ’.”

So that, if my amendment is given effect to, the clause will read thus :

“ (b) prescribe the routes by which alone dutiable goods, or any class of goods specified in the notification, may pass by land out of or into any foreign territory, or to or from any land customs station from or to any foreign frontier.”

Sir, if even an avowed friend and supporter of the Bill runs the risk of being called a friend of the smuggler, I stand a greater chance of that epithet being applied to me, if I stand to propose an amendment which may be construed as giving some indirect help to a smuggler. I disclaim however all intention to assist the smuggler in any possible way.

My only object in moving this amendment is to remove and redress the possible hardships which I honestly feel will come in the way of honest people living on either side of the frontier of British territory and foreign territory in the matter of their ordinary daily transactions, and also harmless transactions. Members of this Assembly, who may have done me the honour to read my minute of dissent, will have understood at one glance the gist of my argument, but I may as well state briefly that argument in support of my amendment. In order to appreciate and understand the purpose of my amendment, I will just ask Members of this Assembly to consider in their minds what is the real purpose of the Government in passing this Land Customs Bill. Let them apply their minds to this one point ; what is the real purpose ? The answer must be, the purpose is to levy and collect duty upon certain goods which Government think must be dutiable. Now it follows that, in putting this Bill into operation, Government begin with making up their mind as to what class they will make and declare to be dutiable, so that by implication at any rate, the other class of goods will not be regarded as dutiable. The first step in the Tariff Act, along with the establishment of Customs stations and establishment, will be to prepare an exhaustive and comprehensive tariff schedule of the classes of goods with the appropriate duty to be levied upon them. But once that has been done, once dutiable goods are clearly distinguished in writing, in black and white, for general information from goods upon which Government do not intend to levy any duty, I do not understand the object of Government in prescribing routes by which all goods, whether dutiable, or not dutiable, must pass. Now what are the powers which it is necessary that this Land Customs Department must possess in order that they may effectively be enabled to levy the duties they want ? First of all they must establish customs stations for passing dutiable goods. Then they must be able to make rules, also of course according to my contention, for dutiable goods. Then



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they must be able to demand the production of permits and to enforce the detention of goods, that is to say, dutiable goods which have to pay duty and are not allowed to pass without paying this duty. But those are not the only powers which Government actually possess under the Bill, and will continue to possess if my particular amendment is accepted. And what is that supplementary or reserve power? There is some margin for adjustment. If Members of the House will look at the section, they will find that it does allow the Customs Department to make and prescribe rules not only for dutiable goods but also in the case of other goods but *specified* in the notification. My point is that, over and above dutiable goods, they can declare by notification a particular class of goods which, though they may not be dutiable, (and I do not object to the retention of that) are regarded as a margin for adjustment, if there is any doubt as to what class of goods may be regarded as dutiable. That is just the margin of reserve, the margin for adjustment, for clearing up doubts as to the character of goods which lie on the border line between dutiable and non-dutiable goods. Now imagine what the hardship will be for honest people living on either side of the frontier if you prescribe routes all along the frontier in big customs areas, and say to people, you shall not pass any goods—mark the words “any goods,”—not dutiable, or not even a particular class of goods which you declare to be dutiable and subject to the operation of the Act, by any other than the prescribed routes. You declare to people living on either side of the frontier that they are not allowed to take any kind of goods across the frontier, except at certain points, or through certain customs stations. Now I simply put it to this House to imagine what great hardship it will be to people living on either side of the frontier. The frontier has, of course, a distinct and definite meaning; it has great significance from a legal as well as a political point of view. I can quite understand that, and this House will also understand it; but what will be the effect for the honest traders living on either side of the frontier? It will be quite enough, Sir, if you can declare certain goods which are liable to duty according to the tariff and must pass through certain points, but what do you gain by penalising the import and export of any class of goods whatever? It is quite easy to imagine what class of goods will be penalised if this is put into operation rigorously. If they are smuggled across the frontier, of course I can understand the loss involved in such a matter. But I put to you simple cases say, milk, fuel, rice, that is to say, goods which are necessary for the ordinary daily transactions of mankind. Now why should we penalise the import and export of goods which are not expected to pay any duty for the benefit of the Treasury? Why should we expect people to take all their goods to a particular point, and at long distances to particular customs stations in order that, in a remote event, the Treasury of Government may not lose?

Now I have already heard, and to my entire satisfaction, that Government do not for the present intend to apply the Bill to Indian States, but it will also be remembered that Government have kept in their hands all the reserve power, and therefore the possibility, if only they mean to put that into operation, of applying the Act also to Indian States.

**Mr. A. H. Lloyd :** No, the Bill would not allow of application to them.

**Mr. N. C. Kelkar :** Not this Bill, I understand. Now it has been admitted by Government that this Bill is even more drastic than the Bombay Act XXIX of 1857 and the Madras Act of 1854, and it has been admitted that both these Acts will remain in force and are not repealed. You will remember, when the Bill was originally brought before this House, it contained at the end a certain Schedule of enactments which it was intended to repeal. In the Select Committee, perhaps as a set-off against the immediate declaration of intention on the part of the Government, that they did not intend to apply the Bill to Native States, this Schedule was dropped, and the original reserve powers were kept by Government in their hands. Of course as a remote possibility, supposing some Indian States misbehave and allow dutiable goods to come through their ports into British territory, against that emergency Government intend to keep the reserve power in their hands, and they may then apply those powers. That seems to be the intention. I can quite conceive that such an emergency may not soon arise, but supposing it does, what happens ? In such an event you have not to consider the hardships of subjects in foreign territories but of subjects in India itself.

**The Honourable Sir Basil Blackett :** I do not want to interrupt the Honourable Member but I would point out to him that this Bill does not give us any powers whatsoever in regard to customs frontiers on Indian States.

**Mr. N. C. Kelkar :** That Schedule was dropped, wasn't it ?

**The Honourable Sir Basil Blackett :** That Schedule was dropped for the reason that the old Acts might remain still in force. We have our powers under those old Acts. The amendment that he is moving now will have no effect whatsoever on the old Acts.

**Mr. N. C. Kelkar :** When my Honourable friend interrupted me I was just coming to section 5 of the Indian Tariff Act. That only adds to the force of what I have been saying. All your reserve powers are there. You are not going to take away a little of the powers that you possess, and while section 5 of the Tariff Act is in force Indian States may possibly be declared foreign territory, and then these operations will begin. (*The Honourable Sir Basil Blackett and Mr. M. A. Jinnah :* "Not under this Bill.") Yes, under the other Acts—I mean, for instance, the Bombay Act. With regard to this Bill in particular you will further see in relation to subjects of Native States on the one hand and British territory on the other hand, you will further find, that the situation becomes aggravated by the fact that the offence of amendment, which was not originally an offence, has now been made an offence in this Select Committee's Bill. Now that affects the position in this way. It is quite conceivable, nay it is not only conceivable but quite possible, that people living in British territory will be penalised for this offence rather than people living in Native States. There is at least as much chance that these people will be penalised as other people. That means it does not seek to penalise only the subjects of other Governments. Of course it is all plausible enough to say that so far as the subjects of foreign territories are concerned, we need not have a tender corner in our hearts for them ; but the position to my mind at once changes when, though in the remote

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event, steps are taken to put customs houses on the border between British territory and Indian States. Then you will at once see what will be the result of the present defective arrangement. And lastly, it is not as if the Government themselves had not made any distinction between dutiable and non-dutiable goods. They are cognizant of the distinction, they are aware that such a distinction exists; and therefore the onus is on them to prove why they must apply the same provisions also to non-dutiable as they have made applicable to dutiable goods. They do not, of course provide the penalty of forfeiture for non-dutiable goods but make the passing of non-dutiable goods an offence. Now these non-dutiable goods are not liable to be confiscated; they do not form the corpus of any criminal act; and yet there is the possibility of people being prosecuted for offences committed under this Act. Therefore I should like to go one step further and exempt non-dutiable goods from the obligation of passing by fixed routes. I think it will amply serve the purpose of Government and the Customs Department if dutiable goods, or a particular class of goods notified by them to be included with dutiable goods, are made to pass through particular customs stations, but exemption is given to other non-dutiable goods. Now if you include non-dutiable goods, the chances of detection will depend and will be limited by the strength and efficiency of your detective establishment, and the number of your checking stations. That I quite admit. But that also applies to dutiable goods. Now what difference would it make to a man who wants to smuggle? It makes no difference. The possibility of his successfully smuggling is in inverse relation only to the strength and efficiency of your detective establishment. Therefore the chances of smuggling are even, I suppose, in both cases. It is wrong in principle, it is simply absurd, to put under the same category of "smuggled goods," dutiable goods and non-dutiable goods. The distinction is quite clear and logical, and Government absolutely lose nothing by exempting non-dutiable goods from the operation of the Bill. Therefore I do hope that the House will support me in my amendment.

**Mr. A. H. Lloyd** (Member, Central Board of Revenue) : Sir, I hope that, I shall be able to discharge to the satisfaction of the House, and I may even say that I hope to discharge to the satisfaction of the Honourable Mover of the amendment, the onus which he has laid upon us of showing that there is a good case for making no distinction between dutiable and non-dutiable goods in connection with section 4 of the Bill under consideration.

The first point I wish to make out, Sir, is this. The Honourable Mover of the amendment has reminded us that one of the purposes sought to be achieved by passing this Bill is to strengthen the administration of land customs on the frontiers of European foreign settlements in India. The amendment now before us seeks to remove a safeguard which we have at present which we have had in the case of one Presidency for 80 years and in the case of another for nearly 70 years. The Bombay Land Customs Act of 1857 gives the Governor in Council power by public notice to prescribe by what route and passes goods shall be allowed to pass into any such foreign territory. There is no limitation to dutiable goods there. The Madras Land Customs Act of 1844, section 12, gives the Governor in Council the same power to prescribe by public notice by what routes goods shall be allowed to pass into or out of any such foreign territory. Equally there is no limitation to dutiable goods there.

I should now like to make it clear to the Honourable gentleman who moved this amendment that there is no necessity here and now, when this Bill is passed, for Government to make up their mind what goods are to be dutiable. We already have the administration functioning and we have had for the best part of a century (*Mr. N. C. Kelkar* : "So much the better"); and so long as my knowledge of the history of the affair goes back, all the duties applicable to sea customs are applicable to the land customs between foreign European settlements in India and British India. This applicability was reaffirmed after the Indian Tariff Act of 1924 was passed, by Notification No. 24-T. of the Department of Commerce dated the 1st April, 1924, which runs as follows :

".....the Governor General in Council is pleased to declare the French Settlements of Pondicherry and Karikal and the Portuguese Settlements of Goa and Daman to be foreign territory for the purposes of the said section, and to direct that a duty of customs at the rate prescribed by or under the said (Tariff) Act in respect of any article, when imported into, or any article when exported from, a port in British India shall be leviable on any such article when imported or exported, as the case may be, by land from or to any of the said Settlements."

We have therefore to take the existing tariff. Now I have here the current Schedules attached to the Indian Tariff Act. The only articles which are free of duty appear in Part I of Schedule II of the import tariff which contains only 26 items. There are 152 articles in the whole tariff. Of these 26 articles are specified as free, several are exempt from duty only conditionally ; for instance, item No. 2—salt when issued for use in any process of manufacture ; item 11—uniforms and accoutrements imported by public servants for their personal use ; item 12—certain arms and ammunition when imported by officers of the Army and so forth. These obviously would have to be covered by the offer which the Honourable Mover of the amendment made to allow certain free goods to appear as "specified classes of goods". This still further reduces the small percentage which free goods bear to dutiable goods in the tariff. So small is this percentage and so comparatively unlikely are many of them to be imported from these European settlements, that I really think I can appeal to a House which contains a fair number of legal practitioners to agree with me that the hardship against which the Honourable Mover desires to protect the population is a very small one and that therefore the principle *de minimis non curat lex* should apply.

It is not the case, as the Honourable Member suggested that goods used in ordinary daily transactions are mostly free ; on the contrary they are nearly all dutiable. He mentioned two of them, fuel and rice. Firewood is not free ; and rice does not appear in this Schedule. And of course many articles not specified in the various items of the Tariff are covered by the last item in part V of the Schedule—"all other articles not otherwise specified"—dutiable at 15 per cent.

**Mr. N. C. Kelkar** : Is rice then contraband goods ?

**Mr. A. H. Lloyd** : I am dealing with the question of what is dutiable and what is not dutiable and not with the question of contraband. I do not suggest that rice is prohibited.

I have mentioned the unimportance of this so-called hardship referred to by the Honourable Mover. What I now wish to point out is the danger of agreeing to his proposal. It must, to my mind, be perfectly obvious to the majority of the Members of this Assembly that unless one is put in a position to check the claim that goods imported across the frontier are actually non-dutiable it is open to any smuggler to move

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goods across the frontier and run the risk of being caught by a customs officer—otherwise to get them through without any question. That is a risk which we on this side are not prepared to take, although the smuggler may be prepared to take it on his side. Let us look at the list of goods again. Several of them are articles which are obviously not readily identified when in transit. Take a small article such as quinine. Quinine is a white powder. We know several white powders which we should be anxious to take an opportunity of observing if they crossed the frontier; there is saccharine and there are other white powders in which the Excise departments are particularly interested. I admit there is one item—and I make a present of this to the Honourable Member—in the free Schedule which could at a glance be recognised by any one as being free; and that is the item “living animals”. We were told the other day in this House that it is easy to detect the difference between a prancing Arab steed and a wooden rocking horse; and I am quite prepared to admit that customs officers will have no difficulty in making such a distinction; but that is practically the only article in the list which would not expose us to risk if goods could be passed freely over the frontier. I must really ask the Honourable Mr. Kelkar “Has he had the opportunity, as I have had, of passing some of the frontiers in Europe?” They adopt elaborate precautions on these frontiers to prevent goods of all sorts from passing unless they are checked at the customs station. I may state the danger in this way—if goods alleged to be free are being carted across the frontier over any long distance it is obvious that an enormous staff of customs officials will be necessary in order to examine these goods and check the claim that they are free.

I hope that I have now satisfied the House that there is a good case for retaining the safeguard which we have had for so long in this matter. I will give one illustration which seems to me to be absolutely conclusive and it is this. If we are not entitled to prescribe the routes by which goods without exception shall pass one of these frontiers I imagine that we should be liable to be charged with some offence in the way of obstruction if we erected a fence between the stations. Now, Sir, we have such a fence round the territory of Daman. Does the Honourable Mr. Kelkar suggest that we must pull that fence down in order that free goods may pass those portions of the frontier which lie between the customs stations? I hope he does not make any such suggestion. The Honourable Mover of the amendment is probably a regular reader of the paper known as the *Mahratta*. The *Mahratta* on the 4th of May last expressed strong approval of the Bombay Excise Committee's report. I think it may therefore be taken that the Honourable gentleman also approves of the existing temperance efforts of the Bombay Government, which include rationing of supplies to shops. Now, there are many shops in the neighbourhood of the territory of Daman which are rationed. I leave it to the Honourable gentleman's imagination to consider the prospects of the rumbling of carts over these unguarded portions of the frontier; bearing supplies of liquor to supplement the possibly inadequate supplies under the ration system, which would be heard if the fence now in existence was pulled down. I therefore hope, Sir, that if it is too much to expect that the Honourable the Mover of the amendment will withdraw it, the House at least will not accept it.

The motion was negatived.

**Maung Tok Kyi** (Burma: Non-European): May I say a few words, Sir, as Burma also is greatly affected by this question?

**Mr. President** : The Honourable Member will have an opportunity of speaking when the motion to pass the Bill is made. I am afraid he is too late now.

Clause 4 was added to the Bill.

**Khan Bahadur Sarfaraz Hussain Khan** (Patna and Chota Nagpur *cum* Orissa : Muhammadan): Sir, the amendment which I have to move is as follows :

“ In clause 5 :

(i) In sub-clause (1), after the words ‘ to pass any ’ the word ‘ dutiable ’ be inserted.

(ii) To sub-clause (1), the following proviso be added :

‘ Provided that in all such cases, the permit shall be granted within 48 hours from the date of the application for such permit ’.”

**Mr. President** : Order, order. Before the Honourable Member proceeds I want to understand from the Honourable Member for the Central Board of Revenue whether if the House passes the first amendment which he proposes to move now it would not be stultifying the decision we have just arrived at.

**Mr. A. H. Lloyd** : As regards part I, it seems to me that the decision of the House just given would make the first part of this amendment meaningless.

**Mr. President** : The Honourable Member may move the second part of his amendment to sub-clause (1). The principle of the first amendment has already been dealt with by the House in the decision on Mr. Kelkar's amendment.

**Khan Bahadur Sarfaraz Hussain Khan** : Then, Sir, I move part (ii) of my amendment, which I have already read. My object in having this proviso really is that there should be no delay and people should not be put to any sort of inconvenience by any delay in giving them permit. I cannot blame the customs officer but there are many subordinates and, if nothing is provided here in the law as to the time within which the permit is to be given, the man who applies for a permit may have to wait there for a very long time and be put to much inconvenience. In our own places of residence we generally find that we have to wait long, at the time of the payment of Government revenue and cesses in courts, and are at times subjected to much harassment. But this sort of nuisance we feel even in our places of residence. But imagine the case of a man going out with all sorts of goods, and ordinary things, such as rice, clothes and other moveable articles, kept and arranged in boxes. There he applies for a permit and, if there is some delay in issuing the permit there is no knowing to what hardship and inconvenience he will be put. It is for this reason that I wish, with a view to removing this hardship, to insert this proviso which will compel the officer there to issue the permit within a certain period. It may not be 48 hours, it may be more, but something must be put in, so that the people passing through unknown land who have very little time to stay, may not be inconvenienced. So, Sir, my proviso is drafted with a view to that. It runs :

“ Provided that in all such cases, the permit shall be granted within 48 hours from the date of application for such permit.”

That is the proviso which I wish to add to sub-clause (1) of clause 5.

**Mr. A. H. Lloyd :** Sir, in rising to oppose this amendment, I wish to make it clear that I do so not because I have the slightest objection to the grounds which the Honourable Member urged in support of it. The Customs administration of this country always makes it its constant effort to see that members of the public are delayed as little as is possible, compatibly with the due performance of the duties of the Customs Department, in passing its goods. And that any delay so long as 48 hours can possibly occur—except conceivably in the case of a consignment sent during a series of close holidays,—say, when Christmas day is followed by a Sunday—is to my mind entirely out of the question. (*Khan Bahadur Sarfaraz Hussain Khan* : “ May I ask if a longer time might be accepted ? ”) I am prepared, Sir, in ordinary circumstances to agree that 12 hours would be an excessive limit, and I am also prepared to give an assurance—as representing the Central Board of Revenue—that in a case of disciplinary action against a Customs officer who detains a consignment five minutes longer than is necessary he will be dealt with as an offender. But my objection to this amendment is not in principle at all. I do object to it as being entirely and totally unnecessary. I must also point out that, apart from its substance, in the way it is drafted it is quite impossible. It is drafted as a proviso to sub-clause (1). Now sub-clause (2) of the clause deals with the payment of duty ; sub-clause (1) does not. The proviso should certainly be added to sub-clause (2) because we cannot put upon a customs officer a statutory obligation to grant a certificate until after the duty has been paid and the customs officer cannot be responsible that the duty is paid within 48 hours of the date of application. That is within the power of the party concerned. Moreover, if it was added as an amendment to sub-clause (2) of clause 5, the wording would have to be altered so as to bear some relation not to the date of application or not exclusively to that date, but also to the date of payment of duty or of verification that the goods are free of duty. I think, therefore, Sir, that it will be agreed that the amendment which has been moved is quite unworkable and also I hope that the House will accept the assurance of one of the representatives of the administrative department in this matter that it is totally unnecessary. All customs officers are consistently impressed with the duty of seeing that no applications for passing goods are subjected to any avoidable delay. I therefore oppose the amendment.

**Mr. President :** Amendment moved .

“ That to sub-clause (1) of clause 5, the following proviso be added :

‘ Provided that in all such cases, the permit shall be granted within 48 hours from the date of the application for such permit ’.”

The motion was negatived.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

**Mr. V. J. Patel (Bombay City : Non-Muhammadan Urban) :** Sir, I beg to move the following amendment :

“ In clause 7, for all the words occurring after sub-clause (c), the following be substituted, namely :

‘ shall be liable on conviction by a Magistrate to a penalty not exceeding, when the goods are not dutiable, fifty or, where the goods or any of them are dutiable, one thousand rupees and the Magistrate may further direct in respect of dutiable goods that the same be confiscated ’.”

Sir, in the clause as it stands it is not stated who is to impose the punishment on the offenders. I will read the clause :

“ Any person who :

- (a) .....
- (b) .....
- (c) .....

shall be liable to a penalty not exceeding, where the goods are not dutiable, fifty or, where the goods or any of them are dutiable, one thousand rupees, and any dutiable goods in respect of which the offence has been committed shall be liable to confiscation.”

who is to impose this fine and to order the confiscation of the property is not clear from the clause itself. Presumably, it means, if it means anything at all, that the customs officers themselves who are to detect these offenders are invested with the powers to fine them and confiscate the goods. It is on principle that I have put forward this amendment. My view is that persons charged with detecting the offences should not also be the persons charged with the duty of convicting the accused persons, otherwise the prosecutor and the Judge would be one and the same person. It is therefore on a fundamental principle of criminal law that I have based my amendment. I realise the difficulty that this course would involve the employment of additional staff for taking accused persons to courts and giving evidence there, and all sorts of things, but these inconveniences we have got to put up with. It is not right that a person who detects the offence should also be invested with the power of punishing the offender. It may be said that some customs officers of a higher grade would deal with the accused persons and punish them. But that is not enough, because, whether it is a high officer of customs or whether it is a subordinate officer of customs, whoever it is, the fact remains that the customs officer is the investigating officer, and it is not right that he or his superior should be allowed to prosecute and punish them. Sir, I know that there are fairly large number of legal practitioners in this House and I appeal to them in the name of criminal law that they should not allow such a thing to be done. I beg to move my amendment.

**The Honourable Sir Basil Blackett :** Sir, I hope the House will not accept this amendment.

**Mr. V. J. Patel :** Not even this ?

**The Honourable Sir Basil Blackett :** As the House is aware, this matter was discussed in the Select Committee and the amendment was not accepted. There are very clear reasons for not accepting it. In the first place, what we are doing here is passing a Bill for the purpose of the collection of land customs on one or two very small frontiers of European settlements in India and in particular for dealing with the case of Burma. The amount that we do collect on land customs and the amount that we shall collect is a very very small proportion of the total amount that we collect under the head “ Customs ” generally. This provision that the fine in cases of this sort is decided by the executive customs officer applies to the whole of our customs duties as they are at present. That is to say, something over 40 crores of duty will remain in the condition that the decision will be taken by the customs officers, and if this amendment is accepted, in respect of a few lakhs of our customs duty there will be a different procedure, namely, conviction before a magistrate. This is a very small item in a very large customs revenue that we are dealing with here, and it is obviously not desirable to introduce quite a different and new procedure for the purpose of a very small part of the customs duty as a whole. If it is desirable to make any amendment,



[Sir Basil Blackett.]

the opportunity will arise when the Sea Customs Act comes under revision, which must be in a very short time—almost certainly next year. It will then be possible to deal on its merits with the very general question of the limits within which it is desirable to give the duty of deciding the penalty to an executive officer and whether it is desirable to bring in the judiciary. I would also urge on the merits that it is very undesirable in the case of these small fines, where the facts are nearly always perfectly clear, to complicate the procedure by reference to a court of law, which after all can only take the facts probably direct from the customs officer, and it will not make any serious difference to the decision in the case, whereas, if there is any kind of abuse of power by the customs officer, there is under the existing law full provision for appeal, and well defined limits as to the extent to which an individual officer may impose a penalty. There is a hierarchy laid down and only an officer higher up is allowed to levy a larger penalty. There is a final appeal to the Central Board of Revenue and to the Government of India, and there is the opportunity, in the very unlikely event of abuse, of a question in this House. I would, therefore, strongly urge the House to leave this Bill as it stands. It only follows the exact precedent already in existence, and if it desires, when the time comes, to take up the question of executive *versus* magisterial inquiry, to take that up on the Sea Customs Act, if necessary.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : May I request the Honourable Member to read out those sections which deal with the powers of the different grades of officers to inflict penalty and the section which gives the right of appeal ?

**The Honourable Sir Basil Blackett** : Section 182 of the Sea Customs Act says :

“ In every case (except the cases mentioned, which are not important here) in which, under this Act, anything is liable to confiscation or to increased rates of duty, or any person is liable to a penalty, such confiscation, increased rate of duty or penalty may be adjudged—

- (a) without limit, by a Deputy Commissioner or Deputy Collector of Customs, or a Customs-Collector ;
- (b) up to confiscation of goods not exceeding two hundred and fifty rupees in value, and imposition of penalty or increased duty not exceeding one hundred rupees, by an Assistant Commissioner or Assistant Collector of Customs ;
- (c) up to confiscation of goods not exceeding fifty rupees in value, and imposition of penalty or increased duty not exceeding ten rupees, by such other subordinate officers of Customs as the Chief Customs authority may, from time to time, empower in that behalf in virtue of their office :

Provided that the Chief Customs authority may, in the case of any officer performing the duties of a Customs-Collector, limit his powers to those indicated in clause (b) or in clause (c) of this section, and may confer on any officer, by name or in virtue of his office, the powers indicated in clauses (a), (b) or (c) of this section.”

Section 188 deals with appeal and runs :

“ Any person deeming himself aggrieved by any decision or order passed by an officer of Customs under this Act may, within three months from the date of such decision or order, appeal therefrom to the Chief Customs-authority, or, in such cases as the Governor General in Council directs, to any officer of Customs not inferior in rank to a Customs-Collector and empowered in that behalf by name or in virtue of his office by the Governor General in Council.

Such authority or officer may thereupon make such further inquiry and pass such order as he thinks fit, confirming, altering or annulling the decision or order appealed against :

Provided that no such order in appeal shall have the effect of subjecting any person to any greater confiscation, penalty or rate of duty than has been adjudged against him in the original decision or order.

Every order passed in appeal under this section shall, subject to the power of revision conferred by section 191, be final."

Section 191 reads :

"The Governor General in Council may, on the application of any person aggrieved by any decision or order passed under this Act by any officer of Customs or Chief Customs-authority, and from which no appeal lies, reverse or modify such decision or order."

**Mr. N. C. Kelkar :** Sir, I rise to support the amendment moved by my Honourable friend; Mr. Patel. He has of course given to this House the common-place maxim of criminal jurisprudence that there should be no punishment without a trial. Let us apply our mind for a moment to the character of the penalties involved in the operation of the Bill. There are three kinds of levies contemplated under the Bill, namely, the levy of increased duty, confiscation and punishment by fine. The first two are entirely left in the hands of the executive officers of the Customs Department, and should, I think, be quite sufficient both for prevention and redress—prevention because on suspicion they can detain the goods and subject them to examination and to the levy of duty if they are found to be liable to duty. And confiscation is of course a kind of redress. If goods are being smuggled, Government can get what they want by way of redress of the wrong in the particular case by seizure and confiscation of the goods.

**Mr. A. H. Llyod :** May I interrupt the Honourable Member and point out that Mr. Patel's amendment says that confiscation also shall be carried before a magistrate ?

**Mr. N. C. Kelkar :** I am developing my own argument. You may apply as much of it as you like to the amendment. The House will eventually draw the balance, I suppose.

Now, the third penalty stands on an entirely different footing, and that is, punishment. With regard to that I say there must be a judicial trial. It has been said that whereas customs officers usually levy lakhs and lakhs of rupees under the Customs Act, why should we scruple to give the customs officer the powers necessary in this small matter ?

My answer to that is that it is not a question of the amount ; it is the question of the character of the penalty which you levy as punishment and not as duty. Now, let us see whether the operations of the Sea Customs Act, which is taken as the basis for the Land Customs Bill, have got any special features in them which justify the differentiation of the treatment of penal provisions in that particular Act from the treatment of penal provisions contained in similar other Acts. And, therefore, as instances of similar Acts of penal provisions, I will give you, Sir, a few of them. Take the Forest Act. Similar operations are involved, and contemplated therein. There is confiscation of particular property and eventually prosecution and fine. But what do we find under the Forest Act ? A forest officer, howsoever high he may be, is not entitled to adjudicate the penalty. He must send the offender to a criminal court. If he wants to punish the offender, he must send him to a magistrate. Then there is the Treasure Trove Act, section 20, which says :

"If the finder of any treasure does not.....he shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to one year, or with fine, or with both."

[Mr. N. C. Kelkar.]

Now, why should not a high officer of Government be given the power to confiscate the treasure trove and also inflict at the same time a heavy fine, realisable by the executive officer himself ? But that is not the case. Then I take the case of the Abkari Act of my own province. There you have also to do with contraband goods or goods upon which certain duties are leviable and an unlawful transaction in regard to such goods becomes an offence. What however do we find about the penalty ? It is not adjudicated by the executive officer but the offender has got to be regularly put up before a magistrate and punished. So is the case also with the Opium Act. Then, if in these parallel laws, we find that the executive officer is not entrusted with the power of trying the offender and punishing him off his own bat, why should the executive officer in this particular instance be invested with that power, with that special power ? Now, we are all quite content that the confiscation itself may be by the executive officer, but that power should meet the needs of the case. In the other Acts, even when magistrates are not specially mentioned,—of course I wish that to be mentioned also in the particular case here—it is presumed that the trial must be by a judicial tribunal. The mere absence of the words “ trial by a magistrate ” or “ on conviction by a magistrate ” does not obviate a trial by a magistrate ; and as an instance of that I will give you sections 61 and 62 of the Forest Act, in which there is no mention of a trial by a magistrate or conviction by a magistrate, but from the nature of the punishment, it is obviously presumed that the executive officer by himself cannot order the punishment. The punishment in that case is imprisonment or fine or both. When conviction by a magistrate is not explicitly mentioned in so many words, there is a provision in the Criminal Procedure Code, section 29, for procedure in those cases in which a special procedure is not stated in the penal clauses of particular Acts, other than the Penal Code. Section 82, no doubt, leaves adjudication of penalty to different grades of customs officers, and we are told that there is a kind of appeal from one officer to another ; but it is only an appeal from Caesar No. 1 to Caesar No. 2 and is in my opinion absolutely fruitless. Then, we are told that the present Sea Customs Act, on which the present Bill is based, does not contain a similar provision. My simple answer to that question is that two wrongs do not go to make one right. Nor am I going to be influenced by the assurance that the Sea Customs Act is going to be improved or redrafted next year. I do want to take time by the forelock, and as soon as a Bill of the present character comes before the House, I am entitled to ask the House to take the earliest opportunity to make the necessary amendments in it, if the House thinks that the amendments are proper ones. Now, look at the Sea Customs Act itself. It makes distinction between offences triable by executive officers and judicial officers. The Act does contemplate certain cases being sent to a magistrate and obtaining conviction at the hands of a magistrate. But mark what is the difference. All those provisions are intended for the protection of, at any rate they apply to, the cases of a particular class of persons and not the ordinary public. I will just mention a few. Section 23 applies to the pilot, section 26 to the master of a ship, section 74 to customs officers, 76 also applies to customs officers, section 77 applies to the police officers in the Customs Department. Now, there are two sections in this Schedule, namely, 72 and 80, which apply to ordinary persons, because the offences there are supposed to be of a graver character. If special mention of “ conviction by a magistrate ”

in these sub-sections is intended to give a kind of protection to the pilot, master and the customs officer, there is greater need of that protection for the common man. The customs officers are direct subordinates ; they are subordinates of the department itself. They can properly be punished even without going before a magistrate. If even these people are placed before a magistrate, the ordinary man who has absolutely nothing to do with the department must be sent to a magistrate and must be given a fair opportunity of a judicial trial. A reference was made to the proceedings of the Select Committee and my friend, Mr. Patel has broadly hinted, in fact, he even stated that the voting on this particular matter was lost by the vote of the Chairman of the Select Committee. Had it not been so expressly stated, I might not have referred to the proceedings of the Select Committee in this express manner. But I do it first because with regard to this point reference is made to the majority vote in the report itself of the Select Committees, and secondly, it has been expressly stated by Mr. Patel that the voting on this matter was lost by the vote of the Chairman of the Select Committee. There is also a further reason why I refer to it. On my last amendment a successful appeal was made by the Honourable Member to the legal acumen and the commonsense of lawyers. I challenge him now to make the same appeal in the matter of this amendment.

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammadian Urban) : Sir, there is a great deal of force in the principle which underlies this amendment and as we are asked to enact this piece of law, I do not think we should allow it to go without endorsing that principle. Now, I am concerned with sub-clause (c) of clause 7, which is the new clause introduced by the Select Committee. The first two clauses (a) and (b) relate to those cases where a man himself tries to pass and attempts to pass by land or conveys or attempts to convey by a route other than the route prescribed. But when you come to clause (c), on bare oral evidence without any goods even being there, a man may be convicted of having aided and abetted. The man may say that the goods were not there. But two witnesses may come forward and say that this man aided him to conceal the goods. The goods may not be found, but it may be said he has aided him successfully to conceal the goods. And on that statement the executive officer, without a judicial hearing, can convict the man of having aided and abetted and impose upon him a penalty to the extent of Rs. 1,000. A penalty is really a fine for having aided in breach of laws. What this clause contemplates is that certain laws are passed and when those laws are broken by citizens they are liable to penalty. What clause 7 creates is an offence and for that purpose punishment is provided for committing that offence. I do not know if a similar clause exists in the Sea Customs Act. (*The Honourable Sir Basil Blackett* : "Yes.") If it does then it is high time that we repeal that provision of the Sea Customs Act which enables the executive officer to levy penalties for breach of laws. I quite agree with my friend Mr. Kelkar that confiscation of goods should certainly be within the province of the executive officer. They are the dutiable goods which are attempted to be passed. But in other cases where the matter may purely rest upon oral evidence, without being subjected to cross-examination, without any judicial procedure whatever, the executive officer should not take upon himself to find that my Honourable friend Mr. Jinnah aided and abetted my Honourable friend Mr. Rangaswami Iyengar in smuggling goods and convict him to a penalty of Rs. 50 or Rs. 1,000, as the case may

[Diwan Bahadur T. Rangachariar.]

be. I do not think any Legislature should tolerate such an enactment. I therefore support the amendment of Mr. Kelkar which provides only in the case of penalty and leaves the confiscation untouched, and I do not support Mr. Patel's amendment as it goes too far.

**Mr. President :** Amendment moved :

" In clause 7, for all the words occurring after sub-clause (c), the following be substituted, namely :

' shall be liable on conviction by a Magistrate to a penalty not exceeding, when the goods are not dutiable, fifty or, where the goods or any of them are dutiable, one thousand rupees and the Magistrate may further direct in respect of dutiable goods that the same be confiscated '."

**Diwan Bahadur T. Rangachariar :** May I ask, Sir, that the amendment be put in separate parts. The first part of the amendment embraces Mr. Kelkar's amendment because he wants the Magistrate to intervene.

**Mr. N. C. Kelkar :** May I, Sir, formally move my amendment ?

**Mr. President :** The Honourable Member's amendment only refers to the imposition of a penalty.

**The Honourable Sir Basil Blackett :** I think it would be better if Mr. Patel withdraws his amendment and allows Mr. Kelkar to move his amendment.

**Mr. V. J. Patel :** Sir, I withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. President :** Further amendment moved :

" That in clause 7, after the word ' shall ' where it occurs for the first time insert the words ' on conviction by a Magistrate '."

**The Honourable Sir Basil Blackett :** This amendment, Sir, obviously has not the same objections to it—not at least in the same strength—as the previous amendment. At the same time, I regret that I must still on behalf of the Government oppose this amendment. I do so with regret in view of the fact that Mr. Patel has quite clearly been trying to make constructive proposals to assist us in the matter. But we are really in this matter dealing with a question of very considerable importance and we are dealing with it in a minor connection. If this amendment is passed, it will alter the law in relation, as I said, to a few lakhs that we collect by land customs and will not alter the law in connection with sea customs. And it will prejudice the more general question which is bound to come up in connection with the Sea Customs Act. The Government are perfectly conscious that in the Sea Customs Act, as it stands at present, there are a good many amendments that are desirable and should be made. One desideratum no doubt is that a very careful review should be made of the cases in which executive action is taken without an appeal to a magistrate, to see whether it should be allowed to a magistrate. But I would strongly suggest to the House that it should hesitate to pass this amendment. It is usually far better in the interests of the individual that he should be dealt with summarily on the spot and that a fine of a rupee or whatever it may be should be imposed there and then and the matter settled than that he and the customs officer should both have their time taken up in going to the court. Also, he is less in a

position to secure redress if the case has been dealt with by a magistrate than if he has the right of appeal which the existing Statutes give right up to the head of the Government. Those appeals—I will not say they are very frequent—are occurring from time to time and there are many cases in which the Government of India do modify or even allow a complete remission of a fine or a penalty imposed. If you include this clause “on conviction by a Magistrate”, obviously the position of the executive at the head is very much more difficult. So, I would suggest to the House that as this is a matter which the Government themselves desire to be examined and will have examined, the House, therefore, should not import the principle into this particular Bill at a point where it is not found in the corresponding Sea Customs Act. It will only affect a few lakhs and leave 40 crores untouched.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : I am very glad, Sir, that Mr. Patel thought fit to withdraw his amendment and did not make any grievance that his amendment was rejected by the vote of the Chairman of the Select Committee. In regard to Mr. Kelkar's amendment, Sir, I would like to say that it stands on a somewhat different footing. It has received some support from my Honourable friend Mr. Rangachariar, but I can appreciate his point. Mr. Kelkar's amendment does not confine itself to sub-clause (c). Mr. Rangachariar's point was that if a person is hauled up before a customs officer on a charge of aiding and abetting, to put it very shortly, the smuggling of dutiable goods, then, in that case, the executive officer, namely, the customs officer, would be entitled to deal with him. And if he found that that man was guilty of aiding and abetting, he would inflict a fine upon him, and that Mr. Rangachariar says is a thing that ought not to be allowed. I was saying that I fully appreciate that point. And if that was only to be remedied, then Mr. Kelkar's amendment must be confined to sub-clause (c), in the first instance. Sir, I entirely believe, and no man appreciates or believes more firmly in this principle, that no man's property or liberty should be touched without a judicial trial. And I shall be the last man to do anything in the least degree to undermine that principle which is so dear to everyone. We thought, as Sir Basil Blackett has put it in the Select Committee that, instead of trying to get a little bit here in this particular Bill, which, after all, is of a limited character, and as Government have given us the assurance that the whole question is going to be reconsidered under the Sea Customs Act in the very near future, it would be better for us to wait.

But I say that if this amendment were merely confined to clause 7, sub-clause (c), I would support it, but that is not the amendment.

**Mr. President** : The original question was :

“ That clause 7 stand part of the Bill.”

Since which an amendment has been moved :

“ That after the word ‘ shall ’, where it occurs for the first time, insert the words ‘ on conviction by a Magistrate ’.”

The question is that that amendment be made.

The Assembly divided :

## AYES—40.

Abdul Karim, Khwaja.  
 Abhyankar, Mr. M. V.  
 Acharya, Mr. M. K.  
 Aiyangar, Mr. C. Duraiswami.  
 Aiyangar, Mr. K. Rama.  
 Aney, Mr. M. S.  
 Badi-uz-Zaman, Maulvi.  
 Belvi, Mr. D. V.  
 Das, Mr. Nilakantha.  
 Duni Chand, Lala.  
 Dutt, Mr. Amar Nath:  
 Goswami, Mr. T. C.  
 Govind Das, Seth.  
 Gulab Singh, Sardar.  
 Hans Raj, Lala.  
 Jyengar, Mr. A. Rangaswami.  
 Kazim Ali, Shaikh-e-Chatgam Maulvi  
 Muhammad.  
 Kelkar, Mr. N. C.  
 Lohokare, Dr. K. G.  
 Malaviya, Pandit Krishna Kant.

Malaviya, Pandit Madan Mohan.  
 Mehta, Mr. Jamnadas M.  
 Misra, Pandit Shambhu Dayal.  
 Misra, Pandit Harkaran Nath.  
 Naidu, Mr. M. C.  
 Nambiyar, Mr. K. K.  
 Narain Dass, Mr.  
 Nehru, Dr. Kishenlal.  
 Nehru, Pandit Motilal.  
 Nehru, Pandit Shamlal.  
 Patel, Mr. V. J.  
 Piyare Lal, Lala.  
 Rangachariar, Diwan Bahadur T.  
 Ray, Mr. Kumar Sankar.  
 Samiullah Khan, Mr. M.  
 Singh, Mr. Gaya Prasad.  
 Sinha, Kumar Ganganand.  
 Tok Kyi, Maung.  
 Venkatapatiraju, Mr. B.  
 Yusuf Imam, Mr. M.

## NOES—61.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Abul Kasem, Maulvi.  
 Ahmad Ali Khan, Mr.  
 Ahmed, Mr. K.  
 Ajah Khan, Captain.  
 Akram Husain, Prince A. M. M.  
 Alimuzzaman Chowdhry, Mr.  
 Bore, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Mr. Denys.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Chalmers, Mr. T. A.  
 Chatterjee, The Honourable Mr. A. C.  
 Cocks, Mr. H. G.  
 Crawford, Colonel J. D.  
 Dahl, Sardar B. A.  
 Das, Mr. Bhubanananda.  
 Datta, Dr. S. K.  
 Duval, Mr. H. P.  
 Fleming, Mr. E. G.  
 Ghazanfar Ali Khan, Raja.  
 Ghose, Mr. S. C.  
 Ghulam Bari, Khan Bahadur.  
 Gidney, Lieut.-Colonel H. A. J.  
 Hezlett, Mr. J.  
 Hindley, Mr. C. D. M.  
 Hira Singh, Sardar Bahadur Captain.  
 Holme, Mr. H. E.  
 Hudson, Mr. W. F.  
 Hussanally, Khan Bahadur W. M.  
 Hyder, Dr. L. K.

Innes, The Honourable Sir Charles.  
 Jinnah, Mr. M. A.  
 Kasturbhai Lalbhai, Mr.  
 Lindsay, Mr. Darey.  
 Lloyd, Mr. A. H.  
 Mahmood Schammad Sahib Bahadur, Mr.  
 Moncrieff Smith, Sir Henry.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Nag, Mr. G. C.  
 Neogy, Mr. K. C.  
 Parsons, Mr. A. A. L.  
 Purshotamdas Thakurdas, Sir.  
 Ramachandra Rao, Diwan Bahadur M.  
 Rajan Bakhsh Shah, Khan Bahadur  
 Makhdum Syed.  
 Raj Narain, Rai Bahadur.  
 Reddi, Mr. K. Venkataramana.  
 Rushbrook-Williams, Prof. L. F.  
 Sams, Mr. H. A.  
 Sarda, Rai Sahib M. Harbilas.  
 Sastri, Diwan Bahadur C. V. Visvanatha.  
 Setalvad, Sir Chimanlal.  
 Shams-uz-Zoha, Khan Bahadur M.  
 Singh, Rai Bahadur S. N.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Tottenham, Mr. G. R. F.  
 Webb, Mr. M.  
 Willson, Mr. W. S. J.  
 Wilson, Mr. R. A.

The motion was negatived.

**Khan Bahadur Sarfaraz Hussain Khan :** Sir, the amendment that stands in my name reads as follows :

“ In clause 7, for the words ‘ where the goods are not dutiable, fifty or, where the goods or any of them are dutiable, one thousand rupees and any ’ the following be substituted, namely :

‘ One hundred rupees where dutiable goods are mixed with goods which are not dutiable and the portion of the ’ ”

My object is that the dutiable goods will be confiscated and for non-dutiable goods there shall be no penalty.

That is my only object, and if the Honourable Member in charge will satisfy me on the point, I will not press my amendment.

**Mr. A. H. Lloyd :** Sir, I am afraid I cannot give the Honourable Member the assurance which he asks for for the simple reason that if his amendment were carried, every smuggler would find it the simplest thing in the world to put one tabloid of quinine into a case full of matches, and because the goods became mixed in consequence, therefore the maximum penalty would be reduced from Rs. 1,000 to Rs. 100. I would just like to make one more point. Section 21 of the Sea Customs Act is one of the sections which we hope is to be extended by the Schedule to this Bill, and that section provides that :

“ goods whereof any article liable to duty under this Act forms a part or ingredient shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article.”

That deals with genuinely mixed goods, and for that reason also I must oppose the amendment.

**Mr. President :** The question is that that amendment be made.

The motion was negatived.

Clauses 7, 8, 9, 10 and the Schedule were added to the Bill.

The Title, Preamble, and clause 1 were added to the Bill.

**The Honourable Sir Basil Blackett :** I move, Sir, that the Bill be passed.

**Mr. President :** The question is that the Bill, as amended by the Select Committee, be passed.

The motion was adopted.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock, Mr. President in the Chair.

#### THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

**Mr. J. W. Bhore** (Secretary, Department of Education, Health and Lands) : Sir, I understand that many Muhammadan gentlemen, Members of this House, desire further opportunity to satisfy themselves in regard to certain important questions connected with this Bill. In deference to their desire, I do not propose to move my motion\* to-day.

#### THE PROVIDENT FUNDS BILL.

**The Honourable Sir Alexander Muddiman** (Home Member) : Sir, I beg to move :

“ That the Bill to amend and consolidate the law relating to Government and other Provident Funds, as passed by the Council of State, be taken into consideration.”

Sir, this Bill is a consolidating and amending Bill, but the scope of the original law is not altered. I should like, in the first place, to make

\* “ That the Report of the Select Committee on the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be taken into consideration.”



[Sir Alexander Muddiman.]

it perfectly clear to the House what the scope of this Bill is. It deals with three classes of Provident Fund and the three classes of Provident Fund only. It deals with Government Provident Funds ; it deals with Railway Provident Funds, and if Honourable Members will look at the Bill they will see that clause 8 of the Bill enable Funds of local bodies to be dealt with under the Act. Therefore there are these three classes of Funds only. I would call the attention of the House to the fact that in each case the Bill deals with Funds constituted by employers and relates to employees. A further point which indicates the scope of the Bill is the fact that the employer in each case is a public or semi-public body—Government, Railway or a local authority. I have endeavoured to make that clear because I see there is an amendment on the paper which appears to me to show that in one point at least the scope of the Bill has been misunderstood.

Now I need not detain the House at any great length on the actual provisions of the Bill because they very largely reproduce the existing law ; but there are certain amendments to which I must invite the attention of the House. In the first place, the law as it stands gives special protection to the widow and children of persons who are subscribers to or depositors in Provident Funds. The Bill now before the House widens the scope of that protection. It includes in that protection dependants. If Honourable Members will refer to the definition in clause 2 (c), they will see who are included in the term “dependants”. They are very much the same persons as are specified in the Workmen’s Compensation Act. I think this provision will probably commend itself to all sections of the House. They include persons who may be just as dependent on the subscriber to the Provident Fund as the wife and children of the original law. I might draw the attention of the House to the fact that in extending the protection we save any existing rights subject to that the “dependants” will benefit in the same way as the wife and children did under the old law, and the sums payable to them will vest in them and not be included in the estate of the deceased depositor. That, Sir, is the first amendment of substance.

The second point in the Bill is that it makes it clear that in respect of compulsory deposits, the depositor or his dependants or nominees, as the case may be, shall receive intact the accumulation at the credit of the depositor or subscriber to the fund. That statement is the general statement. It is subject, however, to certain exceptions. Naturally we do not make the Bill retrospective in this respect. We save any rights of third parties which have accrued before the Bill comes into operation. We also have a saving in connection with the power to make deductions which is conferred by clause 6 of the Bill. To that clause I will draw the specific attention of the House later on.

The next amendment made by the Bill is this. Under the existing law the deposits or subscriptions can be paid by the disbursing authority without the production of letters of probate or administration or a succession certificate up to the value of Rs. 2,000. We propose to raise that limit to Rs. 5,000. We feel that it is desirable that persons who are likely to benefit by these Provident Funds are often probably in straitened circumstances and should be able to receive the benefits of the Fund with as little red-tape and formality as is compatible with

safety. And we think by raising this limit up to Rs. 5,000 we shall risk nothing to the State and confer a distinct benefit upon the beneficiaries who *ex hypothesi* will be persons in need of prompt payment.

The fourth point in the Bill is that contained in clause 5 which deals with the right of nominees. We have now made clear the position as to the right of nominees. Once a nomination has been made by a depositor, it cannot be changed except by another nomination made in like manner and cannot be affected by any other disposition whether testamentary or otherwise. The depositor, if he wishes to do so, must change his nomination. Now the object of that is merely to simplify payments and to prevent as far as possible the possibility of dispute.

I now turn to clause 6. It is in respect of this clause that this is the only amendment on the paper which shows any opposition to any of the clauses of this Bill. Now let me invite the attention of the House, in the first place, to what are the deductions that may be made under clause 6. First of all, deduction is only in respect of those contributions which have been made by the employer. The clause deals with contributory funds and it deals with those amounts which the employer has put into the fund. Anything that the subscriber or depositor has put into the fund is not touched. In the first place, this clause enables deductions to be made in respect of liability incurred to the authority in charge of the fund. Now the liability of course must be a legal liability. If it is not a legal liability it is not a liability at all. If therefore the authority deducts a sum which is not due, that is not a liability and is an illegal deduction. Therefore I do not think it will be necessary to make any provision for that. The second point is that the same portion of the fund—that is, the portion contributed by the authority—may be withheld in case of dismissal. Now I must invite the House to regard these contributions by the employer as something in the nature of a pension, as a substitute for a pension. Now, if a man is dismissed he will not normally have any right to a pension. In this case all the employer does is to get back what he has put into the fund. What the man put into the fund is not touched. I wish to make that point clear.

**Mr. Chaman Lall** (West Punjab : Non-Muhammadan) : I do not want to interrupt the Honourable Member, but may I ask whether that is made quite clear in the Bill itself ?

**The Honourable Sir Alexander Muddiman** : If the Honourable Member had listened to me, he would have seen that I was referring to clause 6.

**Mr. Chaman Lall** : Is there any particular wording here which makes it perfectly clear that it is only that class of contribution that is affected ?

**The Honourable Sir Alexander Muddiman** : I think so ; if the Honourable Member will refer to clause 6 coupled with the definition of contribution in clause 2 (b) of the Bill, I think he will see that that is so.

Then, Sir, what else does this clause permit to be done ? I have referred to the question of dismissal ; I now come to the question of resignation. Clause 6 says that where a man resigns within five years of the commencement of his employment the contribution of the employer may be paid to the employer ; in other words, it does not provide for a pension or gratuity within five years. If you take any normal pension system you will not find that a man earns pension within five years ; so this does not seem to me to be an unreasonable provision. I emphasise again that it has to be remembered that what the man puts into the fund he gets back.

[Sir Alexander Muddiman.]

Now, Sir, I observe that there is on the paper a motion that this Bill should be referred to a Select Committee. The House is well aware that I am not one of those who are at all in favour of hasty legislation. On the other hand, I think when there is a motion on the paper for reference to Select Committee there should also be on the paper a sufficient number of amendments to raise a *prima facie* case for such a course. In this case there are very few amendments on the paper. One class of amendments is entirely outside the scope of the Bill and as regards the other class they merely affect clause 6. I therefore do hope that the House will not press the motion for reference to Select Committee in this case, but will decide the very small point outstanding by discussion on the clause. This is a Bill which, whatever evil things may proceed from the Home Department, is purely beneficent. On this occasion I am moving for the benefit of the poor and for the benefit of those who are connected with Provident Funds. Sir, I make the motion that stands in my name.

**Mr. President :** The amendment standing in the name of Mr. Rama Aiyangar is out of order, as it is outside the scope of the Bill as presented. The question is that this Bill be taken into consideration.

**Dr. K. G. Lohokare** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I take this opportunity of first congratulating the Honourable the Home Member on such portions of the Bill as are really in advance of the former provisions. I must say, however, that it is not all unmixed milk and I am sorry that I have to solicit his attention to that portion of it. I speak with particular reference to clause 6, which improves upon the provisions of section 4 (2) of the Provident Funds Act, 1897 ; that section provided that any sum standing to the credit of any subscriber to or depositor in any such fund at the time of his decease is payable under the rules of the Fund or this Act to the widow or children free from any debt or any liability incurred by the deceased or incurred by the widow or by the children or by any one or more of them before the death of such subscriber or depositor. This is the section which was in force then. The new clause does not contemplate such a contingency. The employer with his usual usurious methods is given the power to take away whatever he likes from at least a portion of the fund. I have in my amendment defined the method by which the employer is entitled to draw upon the contributions given by the employee. Clause 7 says :

“ No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.”

I think this deprives the employee of the right to get satisfaction as regards any liability. The Honourable the Home Member has just said that the liability is legal liability ; but I doubt whether clause 7 will make it a legal liability. It therefore remains open to doubt and I do not want to allow any loophole in this case. I hope therefore that the Honourable the Home Member will at least take this amendment into consideration in order that his own intentions may be carried out.

Now, Sir, the word “ liability ” itself has many meanings. It may be pecuniary liability ; it may be liability which might arise out of the responsibility of the duties of an employee.

**Mr. President :** Before I allow the Honourable Member to proceed, I must tell him that he is really discussing his own amendment to clause 6. I think he had better wait and allow the motion for taking the Bill into

consideration to be carried ; and when we come to clause 6 he can raise those points in their proper place. The question is that the Bill be taken into consideration.

The motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

**Dr. K. G. Lohokare :** I beg to proceed with the argument that I was just developing, Sir. The word "liability" may have different meanings....

**Mr. President :** Does the Honourable Member move his amendment to clause 6 ?

**Dr. K. G. Lohokare :** Yes, Sir, I formally move the amendment :

"That in clause 6, to sub-clause (a), the following proviso be added :

'Provided that the liability is proved by a competent court of law'."

I shall give an illustration. If a goods clerk or loading foreman or marker commits a mistake in numbering bags, the bags may be transmitted to an unknown destination and may perhaps be lost on that account. Somebody else might take away the bags. The mistake of this foreman in numbering the bags entails a liability in which he is concerned. Consequently, the employer may say that the cost of the bags is a liability incurred by the employee. And in this case, even when the real culprit is somebody else, without even a judicial hearing, it is probable that out of the proceeds of the Provident Fund money may be deducted which to an old man in long service would be far more valuable than what the power in the clause would contemplate. Consider, Sir, the case of a man of long service, to whom administrative punishment in the form of dismissal is far greater in such cases. We might consider the term "liability" in other circumstances too. If it is only an administrative fine at the time of dismissal or at the time of resignation I do accept that the administration must have full authority to realise that fine, but in this case, Sir, generally the man's pay is in arrears. A few days' pay at least is in arrears. In Railway concerns at least a man is paid on the 20th of the month following that in which it is due, and in such cases generally the employer has not less than 20 days' pay in his own pockets. If it is an administrative fine for a mistake, it might be a fine of a couple of rupees or ten rupees or fifteen rupees, and that is automatically provided for by the arrangement of payments to be made. But the clause is something more than that. It means for the man something which is substantial and it is therefore desirable that such cases should have a proper hearing at least. I therefore define the word "liability" in this way and then put it down "provided that the liability is proved by a competent court of law". That is my first amendment, Sir.

**The Honourable Sir Alexander Muddiman :** Sir, I really dealt with this point in my opening speech. The liability must be pecuniary liability ; the sort of thing which would happen if a man has been overpaid or if he owed the employer rent. We ourselves I think in the Civil Service, before we are allowed to take our pension, have to get a clean certificate, that is, a discharge implying that we do not owe Government anything or that we have not taken away an inkpot. I suggest to the Honourable Member that his amendment really is not necessary. If anything is deducted which is illegal then it will not be recoverable. Also, I notice he has another amendment which really does arise under this

[Mr. C. D. M. Hindley.]

competent to speak on the legal aspect of this matter, but I am, I hold, competent to speak on the practical effect on the payments to the employé. Mr. Joshi is quite rightly and honestly endeavouring to protect the employés from unjust deductions by the employer. I say that it is much more important, having regard to the fact that the employer must act in a legal manner under the provisions of this Bill, to remove the causes of delay in payments at the time of payment, when that payment becomes due. If it is necessary for the employer to take the case into court and get an order of the court for every deduction that has to be made, I think Mr. Joshi will see at once that there is likely to be very serious delays in payments. I understand that the right of the employé himself to sue in the case of illegal deduction is perfectly clear and is not altered in any way by this Bill. I therefore, in the interests of the employés—these interests, Sir, are as much mine as Mr. Joshi's—would ask the House to reject this amendment.

**Mr. Chaman Lall** (West Punjab : Non-Muhammadan) : Sir, I think the point that Mr. Joshi made perfectly clear has not been met by the Honourable Mr. Hindley. The point is a very simple one, namely, the right of an employer to deduct his portion of the Provident Fund from the fund deposited with him by the employé. The point that Mr. Hindley was discussing was this, whether an employer has any right whatsoever to obtain his rightful dues from an employé in the shape of rent or goods supplied or things of that description. That is not covered by sub-section (b) of clause 6. We are discussing sub-section (b) of clause 6. We desire,—and I hope the Honourable the Home Member will accede to the request of this Assembly—that this particular clause should be deleted from this Bill. Otherwise, it is a very good Bill. I am certain that every Member of this House will congratulate the Honourable Member on his Bill. What we want to make perfectly clear is this, that a provident fund contribution is paid to an employé as a result of services rendered to the employer. Further, it is usual when an employé is engaged in these circumstances that he is not given the average market rate of wages, so that this provident fund contribution by the employer to the employé is in the shape of wages deferred. I see no reason in these circumstances why this particular portion of the Provident Fund should be deducted whether in the case of dismissal or resignation of the employé. We have known examples—numerous examples during the last four years....

**Mr. C. D. M. Hindley** : May I rise to a point of order, Sir ? The Honourable gentleman seems to be referring to deductions in the case of dismissals. That is not under discussion at the moment, I understand.

**Mr. President** : Is the Honourable Member referring to sub-section (b) of clause 6 ?

**Mr. Chaman Lall** : I am, Sir.

**Mr. President** : The amendment moved is to sub-section (a).

The original question was :

“ That clause 6 stand part of the Bill.”

Since which an amendment has been moved :

“ In clause 6, to sub-clause (a), the following proviso be added :

‘ Provided that the liability is proved by a competent court of law ’.”

The question is that that amendment be made.

The motion was negatived.

**Dr. K. G. Lohokare :** Sir, I beg to move :

“ In sub-clause (b) of clause 6, omit the following words :

‘ where the subscriber or depositor has been dismissed from the employment of that authority, or ’.”

Sir, this amendment is not so light as the last amendment. I request herein that a case of dismissal should be excluded from this clause. I beg to point out, Sir, the various causes for dismissal. The first is a very wide thing, namely, misconduct, which can be expressed to cover anything that the employer may choose. If a superior officer is dissatisfied with the work of a man, he is free to dismiss him under many circumstances. In such cases, dismissal of the man, especially of a man with long service, is more than sufficient punishment to the employee. In addition to it, this clause gives power to the employer to deprive him of a certain amount, with which he might meet his rainy days. In case where a misconduct may be in the eyes of an officer a thing sufficient to be punished with dismissal, it may not be in the eyes of many misconduct sufficient to deprive him of the benefits of the provident fund, particularly in the case of persons who have put in long service. The second is much more in the case of Railways, small accidents, minor accidents, in which case the man is dismissed for the sake of discipline. In these cases, Sir, if it is provided for by law that the man will lose at least half of his provident fund, it is more than a misery to his further life. First he loses his employment and then the poor man misses whatever he has expected to lay by for his rainy days. The pay of the Indian subordinate in the Railways is not sufficient to keep his body and soul together, for his wife and children and his dependants. I have seen that many railway employees, many subordinate railway employees, can scarcely afford to give their children a high school education. No wonder, then, that they cannot lay by anything for their children. If, under these circumstances, a man after a long service in addition to being dismissed is to be deprived of a certain amount which the poor man expects would be useful in his rainy days, I think the punishment is more than he deserves. Thirdly, in these days, the railway management, allow me to submit, Sir, are very unsympathetic. We here ask so many questions regarding railway employees and the replies are “ we do not interfere in the management ”. What are these offences ? Working for the union, Sir. Only for the offence of attending a meeting of the union or some such thing, a man is dismissed and his provident fund forfeited. I particularly draw the attention of this House to these facts in these days of unsympathetic railway management towards the poor subordinates and invoke the sympathy of this House on behalf of these poor employees. The next offence that a man might commit is attending a political meeting. We have so many times in this House received answers that no appeal would lie with anybody in these matters. The superior officer who dismisses the man would deprive him of his provident fund and thus starve him, his wife and children leaving all of them to die for want of food. These are the causes particularly which make us sympathise with the poor employees, the Indian employees. Allow me to submit that in the present condition of sweating of these labourers, if a provision like this is added, if a power like this is given in the hands of railway managers, it would do nothing else than making the conditions worse for the poor Indian subordinates. Displeasure at the slightest cause and pretext of the officers is a sufficient cause for dismissal in many of the railways. Let me cite the case of the strike of 1897. Even if some employees were taken back,

[Dr. K. G. Lohokare.]

others were asked to go away and their provident funds were forfeited, simply for the fault that they joined the strike in order to get their grievances redressed, in order to make their pinch of poverty felt a little bit. The poor people starve on account of the low payment, and other worries such as demanding medical certificate for even two days' leave, particularly so in the case of over-worked railway servants. I have experience as a practitioner of long standing in which even for three days' illness, a man has to produce a medical certificate, for which he must be under treatment actually and pay. His wages generally are 10 to 15 annas or at the most a rupee to rupee and a half. That man has to pay 6 to 7 annas for medicine ; or he should spend for a conveyance as he is ill and daily go to the railway dispensary for even two days' leave. If he overstays the leave even by one day, he is dismissed and his provident fund is forfeited. Let me draw the particular attention of my Honourable Colleagues to the powers, new powers, desired to be secured in the case of the provident fund, which is the savings of the poor man for meeting his rainy days. I would invoke the sympathy of my Colleagues and especially ask their favour to support my amendment for deleting this clause, which is not so light as the former one.

**Mr. N. M. Joshi :** I do not wish to repeat the arguments which I had used in supporting the first amendment. I shall only confine myself to the question of dismissal in railways. Dismissal of an employee, especially a subordinate employee and particularly if he happens to be an Indian, is the easiest thing to do. If someone joins a union, he will be dismissed.

**Mr. C. D. M. Hindley :** Sir, I would like to contradict that statement definitely.

**Mr. N. M. Joshi :** Sir, it is my opinion.

**Mr. C. D. M. Hindley :** It is not a fact.

**Mr. N. M. Joshi :** And we may differ even there.

**Mr. C. D. M. Hindley :** I was talking about facts.

**Mr. N. M. Joshi :** You say you are talking of facts ; I am also talking of facts as to whether men were dismissed for joining a union or not. I say they were dismissed for joining the union. You say they were dismissed for some other reason, known to you. I know, Sir, that nobody is dismissed generally for joining a union apparently, but there are many cases of men having been dismissed, the only reason for the dismissal being that they were prominent members of unions. Men are dismissed simply because the superior officer is displeased with them. No doubt there is a right of appeal. If a man is dismissed by the District Traffic Superintendent, there is a right of appeal to the Railway Agent. But, Sir, the General Traffic Manager has got confidence in the District Traffic Superintendent. If an appeal comes to the Railway Board, this morning I was told that the Railway Board has got the fullest confidence in the judgment of the Railway Agent. This is the experience of the people who have something to do with this question. Many cases come to the Members of this Assembly, cases where real injustice has been done. But the Railway Board and the Railway Agents refuse to interfere with the dismissals of men. Under these circumstances, is it right that we should give power to the railway authorities to take away something

which a man has earned by his hard labour ? I again maintain that the contribution paid by the Railway Board towards the Provident Fund of an employee is a part of his salary earned by him, the payment of which was only deferred for some time. I therefore strongly support the amendment and I hope the House also will support it.

**Dr. L. K. Hyder** (Agra Division : Muhammadan Rural) : I do not like, Sir, the look of the whole of this sub-clause (b) of clause 6. I will state briefly the points that have struck my attention on reading this clause. (*Honourable Members* : "Louder please, we cannot hear"). The first part, I think, is rather hard. The second part places, I think, an undue restraint on the industrial mobility of labour. I will give you an instance why I object to the whole of this section.

**The Honourable Sir Alexander Muddiman** (Home Member) : May I know, Sir, whether the amendment is under discussion or the whole clause ?

**Mr. President** : I wanted to see how the Honourable Member was going to proceed. We are now discussing whether, in case of the dismissal of an employee, the authorities shall be entitled to deduct the whole or any part of his contribution.

**Dr. L. K. Hyder** : I will confine my remarks strictly to the amendment moved by Dr. Lohokare. I feel, Sir, that this dismissal is rather a serious matter and I do not see why an employee should be deprived of the benefits of a particular Provident Fund. I will give you an instance. In England the working classes have always objected to the schemes initiated by the employers as regards bonus funds. They do not like them because they think that these bonus funds place an undue restraint on the industrial freedom of the employee. For that reason, Sir, I give my support to Dr. Lohokare's amendment.

**Mr. H. G. Cocke** (Bombay : European) : Sir, the moving oration from the Honourable Member behind me did not move me at all because his remarks seemed to me to be entirely based on a wrong hypothesis. Nobody says that the employee *shall* be deprived of his employer's contribution in the event of his dismissal. Clause 6 distinctly says "may". It is obvious that the employing authority must have the power, in the event of dismissal, to forfeit his contribution. It will not always be exercised because, as I have said, the clause says "may be deducted" and not that it "shall be deducted".

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : It appears to me, Sir, that my Honourable friend who has moved this amendment and those who have supported him are pursuing the wrong remedy. We are now legislating ; we are not passing Resolutions. Take the case of a man who is dismissed and who has, during the course of his service, been fraudulently misappropriating large sums of money. He is dismissed for that reason and no money is recoverable from him. Now, he has not only done us the injury of robbing us of our money but he is to get a handsome bonus for having defrauded us. There are dismissals and dismissals. I quite sympathise with my Honourable friends who complain of wrongful dismissals. The cases that they have in mind are the cases where the authorities abuse their power of dismissal. But in cases where they lawfully dismiss a subordinate, certainly no reasonable man can ask the Government to pay him his Provident Fund also, although he has



[Lieut.-Colonel H. A. J. Gidney.]

20 to 30 years' service has gone for nought, and for one single misdeed he has been deprived of all that provident fund or rather "gratuity" which the Government were good enough to place to his credit alongside his own Provident Fund deducted monthly from his salary. I consider that this employee should not have been deprived of his gratuity. It is his property in every way. In a case in which an employee has defalcated I consider that there is a reasonable excuse for such deprivation in order that the money defalcated may be made good out of the money which stands to his credit in the Provident Fund. In such cases the Railway usually institutes a criminal action against him, and if the man is guilty he is criminally punished besides departmentally. I consider that it is not right for a man who has robbed the railway to be made a present of his provident fund money. This line of thought and argument may seem as if I were arguing against my own convictions and conscience; but in such cases, the defalcator is adequately punished by law. To deprive such a man of his own lawful property, his money, which has been put in his name by the Railway or Government, simply for some such act of indiscretion at the end of an honourable 30 years of service is, I consider, wrong in principle, wrong in practice and wrong in fact.

**The Honourable Sir Charles Innes** (Commerce Member): Sir, I must correct the impression which Colonel Gidney has just striven to leave upon the House. Colonel Gidney has led the House to believe that in every single case where a man is dismissed, Government's contribution to his Provident Fund is automatically taken away. That is not so at all. I can answer for it from my own experience, for many of these cases come up to me on appeal. Each case is considered on its merits. I may say further that every Agent and every railway officer considers the case of these men with the object of *not* depriving a man of his Provident Fund, if he can. I say without fear of contradiction that the deprivation of Provident Fund is resorted to only in extreme cases. I put it to the House that you must leave it to us and to the other bodies to which this Bill refers to have that discretion. As the Honourable Diwan Bahadur Rangachariar has pointed out, it is perfectly ridiculous, if you have a man who has robbed the railway or embezzled money, that we should not have power to take away his Provident Fund, and if we dismiss him after prosecution, is it not right that we should have power to take away this money which we have contributed ourselves?

I have only risen to make that point clear. I wish to disabuse the House of the idea that Colonel Gidney tried to leave upon their minds, that this penalty is inflicted in every case of dismissal.

**Mr. Chaman Lall**: Sir, I was very sorry to hear the speech that the Honourable Sir Charles Innes has just delivered. He is certainly aware of the fact that railway workers on the North-Western Railway had their Provident Fund forfeited in 1920, some of them with service ranging from 15 to 20 years. After having sent up numerous applications on which no action was taken they were forced to declare a strike, and although representations were made to Government nothing was done in the way of refunding the gratuity or the Provident Fund which had been forfeited. This is a hardship which we are going to fight against. Diwan Bahadur Rangachariar has given us a case of which the Honourable Sir Charles Innes has made a great deal.

May I ask Sir Charles Innes how many cases of defalcations of that kind have come to his notice in the Railway Department during the last year? Because one or two such cases crop up occasionally, are you going to penalise thousands of workers in that department by giving effect to this particular clause in this Bill? I say not one of us who has got the interests, the rights, the privileges of the workers at heart is going to vote for this. There is one misapprehension in the minds of those who are opposing this amendment....

**Diwan Bahadur T. Rangachariar :** May I ask, is this Bill confined to Railways? Is it not to be a general Act?

**Mr. Chaman Lall :** Sir, the misapprehension that is working in the minds of certain Members is this : they seem to consider that the Provident Fund contribution by the employer is a matter of grace. It is not ; it is a question of giving a man less than his market value, less than what he could command in the market, of giving him an inducement to remain in service by adding a little to his pay by way of provident fund instead of giving him his legitimate wages every month. To that you add a portion which he contributes himself. I say to forfeit that fund is to forfeit the rightful possession of the worker. I consider that it is not just, it is not proper, it is not decent for any employer to indulge in tactics of this kind. We are not going to allow the workers to be deprived of this provision. We have had plenty of experience in Bombay, Calcutta and elsewhere where the employers simply by dismissing a man forfeit his provident fund and thereby penalise him. This, indeed, is a penal clause and we are going to fight against all such penal provisions being inserted in the Bill to the detriment of the interests of industrial workers.

**The Honourable Sir Alexander Muddiman** (Home Member) : Sir, I am very sorry that this clause has called so much attention to the Railways. As pointed out by my Honourable friend, (Mr. Rangachariar), and as I pointed out myself in my opening remarks on this Bill, it applies to all classes of Government, Railway and Local Provident Funds which fall within the Act. Now this question of the potential power—because the Act does not require it—the potential power to take back the employer's contribution in the event of dismissal can surely not be put higher than the cognate case of pension. Now what is the rule to which I am subject in common with every Government servant? I will read it. It is rule 353 of the Civil Service Regulations :

“ No pension may be granted to an officer removed for misconduct, insolvency or inefficiency.”

Now surely you cannot put the case of the employer's share of his contribution to the provident fund higher than the question of pension. I do not think you can put it any higher than that. Now if this rule that I read to you has not these deplorable results in Government service why should it in the railways? If there is any hardship—and my Honourable Colleague has denied that the staff are treated harshly on the railways—it is not by interfering with this law that you will improve it. You really cannot put the case higher than the pension case, and I have not heard that it has been worked harshly in the case of Government servants in India. I therefore hope the House will not spoil this Bill by accepting the amendment which has been moved.

**Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, the Honourable the Home Member has brought us very close to the point at issue. The question is what are the Provident Funds started for ? That is the question. I think my Honourable friend, Mr. Rangachariar did not tackle that point. In this case there is a deduction of pay and a contribution by the employer. In the case of pension there is no deduction from pay, and the allowance is paid for long service. That is the main difference. What is this deduction for ? The person who contributes to a provident fund is prepared to make some sacrifice because he thinks there will be something for him in after life. The master is prepared to give it to him because he thinks it will be a source of encouragement to him. That is the real position. The Assembly is now enacting a measure and considers this point. The question that really arises is what shall we do, shall we say that we should hold this contribution as security for good service, or shall we say, this is an amount earned for services already done ? The other questions do not arise. If the person commits a breach of trust and commits other depredations, the law is there. I do not think it can be argued that all these remedies should be embodied in this. On the other hand, we may well say, supposing under those circumstances,— I am talking now of the cases where either misconduct or even really atrocious conduct is committed—a servant is dismissed, the question is whether this allowance that has been laid by for his benefit should be taken away for that purpose. That may be done by law ; that may be done by other means. Of course Mr. Hindley stated : “ Let him go and establish his dismissal as wrongful and then he will be paid.” On the other side why not advise the Railway to make a claim against him ? Why should not the claim be instituted by the master, and this money taken away, if the money is due to him ? Of course ordinarily moneys that are payable to him are covered by the previous clause which has been passed by the Assembly. In the other case it is not as easy a question as has been put forward by my Honourable friend Mr. Rangachariar ; it is a matter in which the Legislature has to take action. If it is money belonging to the servant who has contributed towards it, the master giving his contribution for the purpose of keeping him happy, I do not think we can touch it on this ground. If, on the other hand, the provident funds are created for the purpose of better and more honest service, that is quite a different matter. Of course, it is a matter on which I am prepared to hear from the Treasury Bench. If they would say it is meant to be given for the purpose of good or sure service, then suppose a man is only a poor clerk who is unable to plead ; he finishes his career without having this, which is taken away from him. Is there any provision in this Bill which makes it capable of being taken away for serious offences ? Ordinarily this Assembly ought, I think, not to interfere with this payment if it can avoid it.

**Khan Bahadur W. M. Hussanally** (Sind : Muhammadan Rural) : Sir, I am afraid some of my friends here have quite misunderstood clause (b). Clause (b) provides for two cases and not only for one. Firstly it provides with regard to dismissal. Now suppose a man is dismissed for misconduct, my friends wish that no deduction should be made from his money, which may be due, whereas in the first clause, although a man serves for a long time and has perhaps earned a pension, deductions are allowed to be

made, inasmuch as clause (a) has just been carried; so that if you do not allow a similar deduction to be made from a man who is dismissed, you put a premium upon his misconduct. In the first case, when he has served a long time and done good service, you allow a deduction to be made, whereas in the other case, if he is dismissed for misconduct you put a premium actually on such misconduct if the amendment of my friend is carried. Secondly, this clause provides in regard to persons who resign within five years of service.

**Dr. K. G. Lohokare :** That has yet to come.

**Khan Bahadur W. M. Hussanally :** I think the Honourable Member's amendment applies to the whole clause. If that is so, I will argue with regard to the second part also. A man who resigns within a short time of his service certainly has no claim.

**Mr. President :** The question of resignation comes up later on.

**Khan Bahadur W. M. Hussanally :** Very well, Sir. I will only point out the inconsistency which will follow if the amendment of my Honourable friend is carried with regard to clauses (a) and (b).

**Mr. K. Venkataramana Reddi** (Guntur *cum* Nellore : Non-Muham-madan Rural) : Sir, the *pros* and *cons* of this amendment and the last amendment are simply a bundle of misconceptions and illogicalities. We know for a fact, Sir, that employees who do things which are unpleasant to their superiors are dismissed, and every morning we hear the representative of the Railway Board saying that Government are unable to interfere with the internal management of certain railways which are managed by Companies when questions are asked about the unjust dismissal of Railway employees. But as has been pointed out by Diwan Bahadur Rangachariar and the Honourable Mr. Hindley, if these amendments are given effect to, there is no way of safeguarding the legal liabilities of employers and preventing misappropriations by employees. Under these circumstances, Sir, I suggest that the clause might be redrafted after withdrawing the Bill.

**Mr. President :** The original motion was :

“ That clause 6 stand part of the Bill.”

Since which an amendment has been moved :

“ That in sub-clause (b) of clause 6, omit the following words :

‘ where the subscriber or depositor has been dismissed from the employment of that authority, or ’.”

The question I have now to put is that that amendment be made.

The Assembly divided :

AYES—62.

Abdul Karim, Khwaja.  
Abhyankar, Mr. M. V.  
Abul Kasem, Maulvi.  
Acharya, Mr. M. K.  
Ahmad Ali Khan, Mr.  
Aiyangar, Mr. C. Duraiswami.  
Aiyangar, Mr. K. Rama.  
Alimuzzaman Chowdhry, Mr.  
Aney, Mr. M. S.  
Badi-uz-Zaman, Maulvi.  
Belvi, Mr. D. V.  
Chalmers, Mr. T. A.  
Chaman Lall, Mr.

Das, Mr. Bhubanananda.  
Das, Mr. Nilakantha.  
Datta, Dr. S. K.  
Dutt, Mr. Amar Nath.  
Ghazanfar Ali Khan, Raja.  
Ghose, Mr. S. C.  
Gidney, Lieut.-Colonel H. A. J.  
Goswami, Mr. T. C.  
Govind Das, Seth.  
Gulab Singh, Sardar.  
Hans Raj, Lala.  
Hyder, Dr. L. K.

## AYES—62—contd.

Ismail Khan, Mr.  
 Iyengar, Mr. A. Rangaswami.  
 Jeelani, Haji S. A. K.  
 Joshi, Mr. N. M.  
 Kasturbhai Lalbhai, Mr.  
 Kazim Ali, Shaikh-e-Chatgam Maulvi  
 Muhammad.  
 Kelkar, Mr. N. C.  
 Lohokare, Dr. K. G.  
 Malaviya, Pandit Madan Mohan.  
 Mehta, Mr. Jamnadas M.  
 Misra, Pandit Shambhu Dayal.  
 Misra, Pandit Harkaran Nath.  
 Murtuza Sahib Bahadur, Maulvi Sayad.  
 Mutalik, Sardar V. N.  
 Nambiyar, Mr. K. K.  
 Narain Dass, Mr.  
 Nehru, Dr. Kishenlal.  
 Nehru, Pandit Shamlal.

Neogy, Mr. K. C.  
 Patel, Mr. V. J.  
 Purshotamdas Thakurdas, Sir.  
 Ramachandra Rao, Diwan Bahadur M.  
 Ray, Mr. Kumar Sankar.  
 Reddi, Mr. K. Venkataramana.  
 Samiullah Khan, Mr. M.  
 Sardar, Rai Sahib M. Harbilas.  
 Sarfaraz Husain Khan, Khan Bahadur.  
 Shafce, Maulvi Mohammad.  
 Shams-uz-Zoha, Khan Bahadur M.  
 Singh, Mr. Gaya Prasad.  
 Sinha, Mr. Ambika Prasad.  
 Sinha, Kumar Gangadand.  
 Tok Kyi, Maung.  
 Ujjagar Singh Bedi, Baba.  
 Venkatapatiraju, Mr. B.  
 Vishindas, Mr. Harchandrai.  
 Yusuf Imam, Mr. M.

## NOES—39.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ahmed, Mr. K.  
 Aiyer, Sir P. S. Sivaswamy.  
 Ajab Khan, Captain.  
 Akram Hussain, Prince A. M. M.  
 Bhole, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Mr. Denys.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Chatterjee, The Honourable Mr. A. C.  
 Cocke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Duval, Mr. H. P.  
 Fleming, Mr. E. G.  
 Ghulam Bari, Khan Bahadur.  
 Hezlett, Mr. J.  
 Hindley, Mr. C. D. M.  
 Hira Singh, Sardar Bahadur Captain.  
 Holme, Mr. H. E.

Hudson, Mr. W. F.  
 Hussanally, Khan Bahadur W. M.  
 Innes, The Honourable Sir Charles.  
 Lloyd, Mr. A. H.  
 Moncrieff Smith, Sir Henry.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Nag, Mr. G. C.  
 Parsons, Mr. A. A. L.  
 Raj Narain, Rai Bahadur.  
 Rangachariar, Diwan Bahadur T.  
 Rushbrook-Williams, Prof. L. F.  
 Sams, Mr. H. A.  
 Sastri, Diwan Bahadur C. V. Visvanatha.  
 Singh, Rai Bahadur S. N.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Tottenham, Mr. G. R. F.  
 Webb, Mr. M.  
 Wilson, Mr. R. A.

The motion was adopted.

**Dr. K. G. Lohokare :** Sir, instead of moving the small amendment that follows, I should like to speak against the whole sub-clause as amended even. I am sorry I have no other alternative left. Let me first tell you, Sir, that I feel the pinch of the clause as if it had operated on me. I was a railway servant to begin with, as a number marker in a goods shed about twenty years before. I know how these poor railway servants suffered at the hands of the railway management. We have been told that these Provident Funds include other Provident Funds besides Railways. Yes, Sir, there are other Provident Funds ; but what is the proportion of their subscribers to the subscribers in the Railway Provident Fund ? It is an infinitesimal number as compared with railway employees. Consequently, the clause affects a large number of poor people, who are underfed and unsympathetically looked after by the railway administration. We are told that there are certain penal cases which do not deserve any attention. There are some penal cases, but our experience has been that the number of real penal cases falls far short of the number of unjust cases. Is it right to penalise the large number of innocent people in order that the law may be enforced against the real culprits ? Had this clause provided some sort of arrangement by which the dismissal could have gone to a tribunal or some conciliation board, I could have very well under-

stood it. But no such provision has been made and I think the power given to the employer is absolutely against the interests of the employees in this country. As long as there is no conciliation board or an independent body having judicial acumen to try these cases and hear appeals, and as long as there are these superior authorities, these Maharaja Bahadurs on the opposite benches who say "We see no reason to interfere with the administration", I think we have to keep an eye over these poor people and get ourselves interested in their cause. It is because I have seen the condition of these people, many of their children almost feeling the pinch of starvation and seeking employment as labourers without even a little education, technical or otherwise, it is because I have seen their condition after such dismissals and shed tears with them, that I have been asking you not to allow this sort of clause which will keep in the hands of the employer such powers as will deprive the poor of their bread in their rainy days. The Provident Fund and the Provident Fund Rules are meant more for poor people than others. If you deprive them of any facilities in getting their money for getting a little quarter piece of bread and *jowari* and a little bit of cloth to cover their loins to prevent them just starving, it is my duty to appeal to you; and if I fail in the appeal I have nothing else to say. But remember, Sir, that the cases of persons who commit crimes are only 5 per cent. and that the rest, 95 per cent., are cases of misjudgment. All this is due to such Company management of Railways in India.....

**The Honourable Sir Alexander Muddiman :** I am sorry to interrupt the Honourable Member; but it might perhaps shorten the debate if I proceed to ascertain what exactly is before the House now. Is it that clause 6 do stand part of the Bill?

**Mr. President :** The only motion before the House is that clause 6 stand part of the Bill. The Honourable Member, I understand, is moving his amendment.

**The Honourable Sir Alexander Muddiman :** I shall not oppose the omission of clause 6.

**Dr. K. G. Lohokare :** Am I to understand that the Government are willing to omit the clause?

**The Honourable Sir Alexander Muddiman :** If it would help to shorten the debate, I may state that I will not oppose the omission of clause 6.

**Dr. K. G. Lohokare :** Then my purpose is finished.

**Mr. M. A. Jinnah :** No, Sir; I cannot understand why an Honourable Member should be allowed by a sort of his own consent and that of another Member of this House to say that this should be omitted. I oppose it.

**Mr. Chaman Lall :** Am I to understand that this clause should be omitted or merely sub-section (b) of clause 6?

**Mr. President :** The only motion before the House is that clause 6 stand part of the Bill. The Honourable Member, after having proposed an amendment and secured the vote of the Assembly in his favour, has taken the very unusual course of talking against the clause itself.

**Mr. K. Rama Aiyangar :** Sir, I think the step that is being taken by my Honourable friend, Dr. Lohokare, is not in the best interests of the

[Mr. K. Rama Aiyangar.]

employés who will be affected by this Bill. I wish respectfully to place before the Assembly my view that it will be very unwise not to allow the clause to stand there, especially when the other amendment has been carried. Dr. Lohokare instead of, if necessary, trying to amend the clause further has addressed himself to the motion for deleting the clause wholly. But any one can well see that the whole Bill will never be given effect to if the whole of clause 6 is deleted.

**Mr. N. M. Joshi :** You are mistaken.

**Mr. K. Rama Aiyangar :** I beg your pardon, the Government may apparently consent. It must mean more than consent.

**Mr. N. M. Joshi :** You are reading too much into that.

**Mr. K. Rama Aiyangar :** I want to place that view very strongly before this House. My view is we ought not to allow this clause 6 to be deleted. We should not make the masters perfectly—what shall I call it—impotent in the matter of anything connected with this Bill and with the administration of the Provident Funds. And, if you are going to ask the Government to accept the deletion of this clause, it is the same as asking the Government not to start Provident Funds at all. I do not know if for the sake of a small percentage of servants that might be suspended or that might resign under circumstances, that they may have to lose their contributions or that there may be slight deductions made, you are going to deprive them of the real help that is being given to them by all departments, I shall leave out the Government servants, the railway provident funds and the local services. Are we not as private managers of educational institutions in this land trying to help the teachers by starting provident funds? Are we not interested in seeing that our servants are really helped as far as possible to have a contented life? This is a Bill which really provides for that. And I oppose any amendment to delete clause 6 and I would respectfully ask my friends to think over the position. I do not think we can afford to lose a Bill that is now to be placed on the Statute-book. I do not think the Honourable the Home Member will really consider the last vote as anything against the Bill. I would seriously request him to see that the basis and the equity of the provident fund being different from ordinary pensions he will allow the amendment carried by this Assembly as only a proper step taken to put before the Government their view of the case. He should not misinterpret the view of the Assembly and I would request him to see that he gives it the consideration it deserves. It is a step taken by the Assembly, and both points were considered, some of our friends themselves taking the opposite view, but the result was as we have seen and that portion alone was deleted, but that is no reason why the Bill which really benefits so many should be really affected. I therefore request my friends to see that, since the other amendments have been now dropped, that clause 6 stand part of the Bill.

**Mr. N. M. Joshi :** Sometimes, Sir, the Government find friends in very strange quarters, and when they are not even needed. The Government are quite willing to drop this whole clause, but now come forward some people saying that this clause as amended should be kept. I cannot understand the necessity for it at all. This whole clause is a new clause altogether. Neither the Government nor the Railway Companies found any inconvenience so far without this clause at all. And still there are some people here who think for some reason unknown to me but perhaps

known to them, but which they have not explained, that there may be something good in this clause and therefore it must be kept. Has anyone pointed out why this clause even as amended should be kept? There is one part of the clause left now, that is about giving Government power to deduct the amount due from the employee. So far neither the Government nor the Railway Companies have found it difficult to get such money from their employees. As a matter of fact, the employees have some common sense still left in them. When there is a real liability the employee does not like to go to court. The employees know very well that the railway company is a rich corporation. The employees know very well that the Government have got the resources of the country behind their back. They can file a suit in court but may carry it on in three or four courts if necessary. Therefore, when there is a real liability, the employee always consents to give the money. He is not willing to go to the law court and enter into legal proceedings against such powerful railway companies and a powerful Government. The employee knows very well if he goes to court, not only will he lose the small part of his contribution but he will have to pay the legal costs also. Therefore, he never grudges to pay whenever there is a real liability to be paid. There is only another thing left here and that is the reference to the period of five years. Even if a man has served for one year, why should he not get the employer's contribution to the provident fund? If he is to get it for five years he should also get it for one year. Government has not made out any case for introducing this new restriction. They do not really want it. Therefore they have acceded to the request of the House to drop it. But now some people come forward and find there is something good in it,—because Government now accept our point of view. This is, Sir, the natural distrust of Government which some people have got in their hearts. I hope, Sir, the House will not be misled by the inclination of some people to distrust Government. Perhaps it may not be mere distrust of Government. There are some people who are managing some provident funds themselves. They may be Managers of Schools. They may be Presidents of some Municipalities. As a matter of fact, managers of schools I do not think can come under this Bill, but they may be Presidents of Municipalities and then it may be their turn to deduct the contributions of municipal employees. They do not want to part with that power. I hope, Sir, such narrow considerations will not enter the minds of the Members of this Assembly. If a thing is good, it is good for all people. Therefore, as Government have practically given their consent,—as Government have very kindly given up their opposition, I hope the Presidents of Municipalities and managers of schools will not also stand in the way of poor people getting justice.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, I must justify myself in having taken up the position that I was really surprised why the Honourable the Home Member was so ready to have this clause deleted altogether. I certainly would not have taken part in this debate, but I am really surprised. I am not standing here merely as a person who distrusts Government, but I am standing here as a representative of the people and the Government have got to do what is best for the people and not as it pleases their whims. Now, I cannot understand any Government readily dropping clause 6 (b). Sir, if Mr. Joshi had really tried to understand this point, he would never have argued in the manner he has done. Now, let us see what it means. It means this.



[Mr. M. A. Jinnah.]

The relationship of an employer and an employee comes under clause (a). Clause (a) says this :

“(a) any amount due under a liability incurred by the subscriber or depositor to that authority, but not exceeding in any case the total amount of any contributions credited to the account of the subscriber or depositor and of any interest or increment which has accrued on such contributions ; ”

and so on. Now this is a case where he has incurred liability. If he has incurred any liability, how is that liability to be realised ?

**Mr. N. M. Joshi :** He pays it himself.

**Mr. M. A. Jinnah :** Quite so. In that case, it means this, that he takes away his contribution from the provident fund and his liability merely remains a liability in law which will compel the Government or the Railway to file a suit. Why ? Well, would Mr. Joshi, if I had a deposit with him of Rs. 10,000, (*Mr. N. M. Joshi :* “ It is not your deposit.”) Excuse me. (*Mr. N. M. Joshi :* “ I do not accept that.”) One minute. If Mr. Joshi had my Rs. 10,000 with him, and if I had incurred a liability and in my turn owed him Rs. 5,000, would Mr. Joshi in his wisdom hand over the Rs. 10,000 to me and then file a suit against me for Rs. 5,000, or would he not deduct and pay Rs. 5,000 ?

**Mr. N. M. Joshi :** Yes, if the Rs. 10,000 are yours. They are not yours.

**Mr. M. A. Jinnah :** Mr. Joshi does not appreciate my argument. That is all I can say. Government money is not the money of the Honourable the Home Member or even of the Treasury Bench. That money belongs to us. I appeal to this House not to fall into this trap and the Honourable the Home Member will probably ridicule this House by saying that it would like to delete this clause.

**Mr. N. M. Joshi :** I do not think so.

**Mr. M. A. Jinnah :** With regard to sub-clause (b)—I ask you, Sir, to put these two sub-clauses separately to the vote of the House so that we may get a correct verdict of the House—with regard to sub-clause (b). There the difference is this. The question is whether that also ought to be deleted or not. On that point I do not hold very strong views one way or the other, and therefore I leave it entirely to the House to vote as they think proper. It seems to me, Sir, that it is a very small matter after all, and I will therefore not press the House as to how they should vote.

**Mr. President :** The question is :

“ That clause 6, as amended, stand part of the Bill.”

Does the Honourable Member move the motion to divide the clause into two ?

**Mr. M. A. Jinnah :** Yes, Sir, I do.

**Mr. President :** The question is :

“ That clause 6, down to the words ‘ contributions ; or ’ stand part of the Bill.”

**Mr. N. M. Joshi :** I do not understand what is being put, Sir.

**Mr. President :** The question is :

“ That clause 6 including the first eight lines and sub-clause (a) stand part of the Bill.”

Does the Honourable Member understand now ?

(A division was claimed.)

**Mr. M. A. Jinnah :** May I suggest, Sir, that in this matter you should take the division by a show of hands or by Members standing up under the rules ? That will save a lot of time.

**Mr. President :** The question is :

“ That the first eight lines of clause 6 and sub-clause (a) stand part of the Bill.”

(A division was not pressed.)

The motion was adopted.

**Mr. President :** Further question is :

“ That there be added to clause 6, sub-clause (b) as follows :

‘ where he has resigned such employment within five years of the commencement thereof, the whole or any part of the amount of any such contributions, interest and increment ’.”

That is, sub-clause (b) will be as amended by the omission of the first 2½ lines.

The question is :

“ That sub-clause (b), as amended, stand part of the Bill.”

The motion was negatived.

**Mr. President :** The question is that clause 7 stand part of the Bill.

**Dr. K. G. Lohokare :** I will not move my amendment,\* Sir.

Clause 7 was added to the Bill. Clauses 8, 9, and 10, the Schedule, clause 1, the Title and the Preamble were added to the Bill.

**The Honourable Sir Alexander Muddiman :** I make no motion, Sir.

**Mr. Chaman Lall :** I beg to move that the Bill be passed.

**Mr. President :** That motion cannot be made except by the Member in charge of the Bill.

**The Honourable Sir Alexander Muddiman :** In order to remove any misapprehension I may say that I do not make any motion in order that the Bill may be examined with a view to consequential changes.

**Mr. President :** It is rather too late to take up other business.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 20th September, 1924.

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\* “ The following words be added at the end of clause 7 :  
‘ except as provided in section 6 (a) ’.”



# LEGISLATIVE ASSEMBLY.

*Saturday, 20th September, 1924.*

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

## MESSAGES FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, two Messages have been received from the Secretary of the Council of State. The first one is as follows :

“ I am directed to inform you that the Council of State have, at their meeting of the 19th September, 1924, agreed without any amendments, to the following Bills which have been passed by the Legislative Assembly :

- (1) A Bill further to amend the Indian Post Office Act, 1898, for certain purposes,
- (2) A Bill to amend the Imperial Bank of India Act, 1920,
- (3) A Bill further to amend the Indian Penal Code and Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years.”

The second Message runs as follows :

“ I am directed to inform the Legislative Assembly that the following motion was carried in the Council of State at their meeting of the 19th September, 1924, and to request the concurrence of the Legislative Assembly in the recommendation contained therein, namely :

‘ That this Council do recommend to the Legislative Assembly that the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865, be referred to a Joint Committee of this Council and of the Legislative Assembly, and that the Joint Committee do consist of 12 Members ’.”

## THE PROVIDENT FUNDS BILL.

**The Honourable Sir Alexander Muddiman** (Home Member) : With your permission, Sir, I should like to move :

“ That the Bill to amend and consolidate the law relating to Government and other Provident Funds, as passed by the Council of State and as amended by this Chamber, be passed.”

The Bill will, in any event, have to go back to the other Chamber in view of the amendment made by this House and that will give Government time to consider what, if any, amendments are necessary, in view of the amendment made in this House. There are two consequential amendments to be moved by my Honourable friend Sir Henry Moncrieff Smith.

**Mr. President :** The question is :

“ That the Bill to amend and consolidate the law relating to Government and other Provident Funds, as passed by the Council of State and as amended by this House, be passed.”

**Sir Henry Moncrieff Smith** (Secretary : Legislative Department) : Sir, I move :

“ That in clause 6 the letter ‘ a ’ in brackets and the word ‘ or ’ at the end of the clause be omitted.”

The motion was adopted.

**Mr. President :** The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

( - 3859 )

[Mr. President.]

**Further amendment moved in the name of Sir Purshotamdas Thakurdas :**

“ To add the following as an additional clause at the end of the Resolution :

‘ (9) The above proposals be given effect to provided the Government agree to the following :

- (a) That no Railway Line now under State management and no Railway Line now managed by a Company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly ;
- (b) That the railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible ’.”

**Further amendment moved :**

“ To substitute the following for the amendment which I have just read :

‘ That the following be included as clause (9) :

(9) They shall hold good only so long as the East Indian Railway, Great Indian Peninsula Railway and existing State-managed Railways remain under State management. In the event of negotiations for transferring any of the above Railways to a private Company being undertaken, those negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly ’.”

- (4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues : to provide, if necessary, for arrears of depreciation and for writing down and writing off capital : and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced.
- (5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.
- (6) A Standing Finance Committee for Railways shall be constituted consisting of two nominated official members of the Legislative Assembly one of whom should be Chairman, and ten members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than two further nominated official members, five non-official members selected from a panel of eight elected by the Council of State from their body and five non-official members selected from a panel of eight elected by the Legislative Assembly from their body.

The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways.

- (7) The railway budget shall be presented to the Legislative Assembly if possible in advance of the general budget in order that more time may be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working. The expenditure proposed in the railway budget, including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget, if possible.
- (8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years ’.”

The Honourable Mover\* of that amendment has asked for permission to withdraw it.

Is it your pleasure to grant him leave to withdraw that amendment ?

The amendment was, by leave of the Assembly, withdrawn.

Further amendment moved :

“ That the following be added to the amended Resolution as clause 9 :

‘ In view of the fact that the Assembly adheres to the Resolution passed in February 1923 in favour of State management of Indian Railways, these arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State-managed Railways remain under State management. But if in spite of the Assembly’s Resolution above referred to Government should enter on any negotiations for the transfer of any of the above Railways to Company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract for the transfer of any of the above Railways to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution ’.”

**Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna : Non-Muhammadian Rural) : Sir, I beg to move the addition of a further clause as Part II to the amendment moved by Sir Charles Innes. It is in these words :

“ Apart from the above convention this Assembly further recommends :

- (i) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and
- (ii) that the purchase of stores for the State Railways should be undertaken through the organisation of the Stores Purchase Department of the Government of India.”

Sir, I may say that the subject matter of this clause was discussed at great length in this House and I need not say anything further in support of this amendment. The first clause reproduces the amendment of my Honourable friend Sir Purshotandas Thakurdas and the substance of the second clause has been already proposed by Mr. Duraiswami Aiyangar when the matter was under discussion the other day. The Honourable Sir Charles Innes has already given a sympathetic reply on behalf of Government and I do not wish to dilate further in support of these two amendments. I trust, Sir, that Government will be able to give effect to these two matters which every one of us has at his heart.

.. **Mr. President** : Further amendment moved :

“ To add as Part II of the Resolution :

‘ Apart from the above convention this Assembly further recommends :

- (i) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and
- (ii) that the purchase of stores for the State Railways should be undertaken through the organisation of the Stores Purchase Department of the Government of India ’.”

**The Honourable Sir Charles Innes** : Sir, I would ask the permission of the House to make the position of the Government clear in regard to this amendment. As I said the other day, we have already accepted the policy of Indianisation of the Railway Services, and we have agreed to the recommendation of the Lee Report that the recruitment should be 75 per cent. Indians and 25 per cent. Europeans. I showed

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\* The Honourable Sir Charles Innes.

[Sir Charles Innes.]

in my speech the other day that in the last three years we have exceeded these figures in both the Traffic and in the Engineering Departments of the State Railways. As regards the Railway Board, we have already recruited Indians for the staff of the Railway Board, that is, for the appointments of officers attached to the Railway Board, and I hope that we shall be able to continue this process. As each appointment becomes vacant, I will undertake that the claims of Indians are considered. I may mention that the Standing Finance Committee has just sanctioned an additional officer for statistical work in the Railway Board and that we are appointing an Indian to that post. As regards the Members of the Railway Board, I cannot bind myself to dates, as it must take time before there are Indians of the requisite standing and experience in the Railway Department for appointments to the Railway Board. But, as I pointed out the other day, the Railway Board is a purely technical body and does not control policy. As regards the Stores question, I laid on the table the other day copies of our orders on the subject, and I do not know whether Honourable Members have seen them. They have been placed, however, before the members of the Central Advisory Council. The position is that we have circulated the new Stores Rules which were issued only in May last. We have circulated them to the Agents both of State and Company Railways and we have told these Agents that we expect them to carry out the policy of the Government of India as expressed in these rules. We have also discussed with Mr. Pitkeathly, the Chief Controller of Stores, the question of purchases through the Stores Department and we have come to an arrangement with him. We have written round to the Agents of all State Railways and of the East Indian and the Great Indian Peninsula Railways. We have informed them that we desire them to make use of the Indian Stores Department for their purchases generally, and particularly for certain classes of stores, with which Mr. Pitkeathly is immediately prepared to deal. Mr. Pitkeathly is leaving Simla to-morrow to follow this matter up by individual discussion with the Agents and Storekeepers of the different Railways mentioned. He has gone to see these officers with the object of discussing with them how best his Department can undertake business for them. That is the position at present and for the present I cannot go further. The matter is one in which Mr. Pitkeathly and myself are in the closest possible touch. It is an extremely difficult matter to graft a new Department of this kind upon the existing elaborate organisations which already exist for the purchase of stores in the different Railways, and the wisest thing that the House can do is to leave Mr. Pitkeathly and myself to manage the business in our own way. But I may mention for the information of the House that copies of all indents for stores sent Home by State Railways are scrutinised by the Chief Controller of Stores, and I am consulting the Chief Controller of Stores on the question whether we can tighten up this practice so as to prevent indents being unnecessarily sent to the London Stores Department. I have only to add that the question is merely one of machinery. The policy of the Government of India in regard to the purchase of stores has been clearly laid down by the Department of Industries and I shall make it my business to see that that policy is loyally carried out by that Department. (Hear, hear.)

... Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, there are one or two lessons which we have to draw from

the protracted negotiations which preceded and the satisfactory settlement we have come to on this most important question, which has been before us for a long time. The first and foremost lesson to be taken to heart is that if both the Government Benches and the non-official Benches can approach questions in a spirit of compromise, we can come to a satisfactory conclusion. And, if the Government will really embark upon a policy of taking the people's representatives into their confidence, they are sure to achieve results in a much better way than they can do on their own judgment.

The second point which I wish to emphasise is the distrust which we on this side have of the administrative policy so far as Railways are concerned. That distrust is deep-rooted and I may assure the Honourable Member in charge that anything that he may do to rapidly remove the grounds for such distrust will be most welcome. Sir, these are the only words I wished to say.

**Mr. C. D. M. Hindley** (Chief Commissioner, Railways) : Sir, in the heat of the debate on Wednesday, being very anxious to emphasise the undesirability of mixing politics with business, I was led to make certain remarks about my Honourable friend, Sir Purshotamdas Thakurdas, which, I think, unwittingly on my part, perhaps may have hurt his susceptibilities. Sir, I wish to acknowledge in most grateful terms the valuable assistance which we have received on the Central Advisory Council and on other Committees, and especially in regard to this separation proposal, from the business ability, knowledge and experience of Sir Purshotamdas Thakurdas. (Hear, hear.) If, Sir, I have unwittingly hurt his feelings in this matter by emphasising his present connection with politics, I wish to modify what I said by expressing my belief that a man may be a very first class businessman and he may, at the same time, be a patriot. (*Mr. M. A. Jinnah* : " Might be a politician, too.") I wish, Sir, to acknowledge that whatever advice Sir Purshotamdas Thakurdas may have given to the House was based not only upon his profound business knowledge and ability but also on the highest patriotic motives.

**Lieut.-Colonel H. A. J. Gidney** (Nominated : Anglo-Indians) : Sir, my reasons for joining this debate at this juncture.....

**Mr. President** : Before I allow the Honourable Member to proceed, I would like to say for the information of the House that a compromise, which is more or less agreeable to both sides of the House, has been arrived at. Honourable Members who choose to continue the debate will do so at some risk to the success of that compromise.

**Lieut.-Colonel H. A. J. Gidney** : I did not catch the last few words. Will you kindly repeat them.

**Mr. President** : I have only to warn the House that a compromise has been arrived at and if the debate is thrown open once more, that compromise may thereby be endangered.

**Lieut.-Colonel H. A. J. Gidney** : Sir I have no desire to affect or endanger the compromise that has already been arrived at. My only desire to enter into this debate, even after a compromise has been arrived at, is to point out to the Government Member that, however great a desire there may be on the part of Indians and the Government for speeding up Indianisation of railways,—and I would add here



[Lieut.-Colonel H. A. J. Gidney.]

that I wish to associate myself with my Indian brethren in their desire and claim to secure a rapid Indianisation of railways—there is a real and an acute apprehension existing in the minds of the domiciled community employed to-day on Railways that this Indianisation is to-day affecting and will adversely affect them. I have no desire to point out any invidious distinctions, as did one Honourable Member on Wednesday last, or to lay claim to any communal merits. But I do not think there is anyone inside or outside this House who will deny that Anglo-Indians have special traditional and hereditary claims for employment on Railways which their forefathers laid. Sir, the domiciled community has undoubtedly built up the Indian railways and for us to now feel or to be made to feel that we are being elbowed out of our jobs for Indians is doing a great wrong and injustice to the community. There are about 12,000 of my community employed on Railways and their minds are much agitated on the situation which has been forced on them. I therefore wish to ask the Member in charge of this portfolio whether he will be so kind as to assure me in this Honourable House that there is no fear of the present and future interests of the Anglo-Indian community being overlooked or imperilled in this Indianisation of railways. I desire this assurance from Government.

**Mr. President :** The first question is the amendment last moved by the Honourable Sir Charles Innes proposing that a new sub-section (9) to the Resolution be substituted for sub-section 9 standing in the name of Sir Purshotamdas Thakurdas.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : Sir, I am agreeable to withdraw my amendment, but I think it only fair that I should explain the reasons why I withdraw it.

The amendment which I now ask the leave of the House to withdraw is substituted by another amendment which I think provides the safeguards which I am anxious that this Assembly should insist upon. Whilst appreciating the remarks made by the Chief Commissioner I wish to add one word, and that is that the country and the representatives of the tax-payer in this House will make it one of their business hereafter to see that the Railways are put on the best basis possible to earn as much as they can compatible with all the other aspirations of the industrial and commercial communities in India, and with fullest consideration for third class passengers for whom this House is very anxious. With these words I have pleasure—in fact, I am very happy to be able to withdraw my amendment which, owing to Government's unbending attitude, threatened at one time to practically give a set-back to this very desirable administrative reform.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. President :** The question is :

“ That the following be added as a new sub-clause (9) to the Resolution :

‘ (9) In view of the fact that the Assembly adheres to the Resolution passed in February 1923 in favour of State management of Indian Railways, these arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State-managed Railways remain under State management. But if in spite of the Assembly's Resolution above referred to, Government should enter on any negotiations for the transfer of any of the above railways to Company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract

for the transfer of any of the above railways to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution '."

The question is :

" That these words be added to the Resolution."

The motion was adopted.

**Mr. President :** Further amendment moved :

" To add as Part II to the Resolution the following :

' Apart from the above convention, this Assembly further recommends

- (1) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and
- (2) that the purchase of stores for the State Railways should be undertaken through the organisation of the Stores Purchase Department of the Government of India '."

The question is :

" That those words be added to the Resolution."

The motion was adopted.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I should like to know the procedure you are going to follow in this matter, because the amendment which stands in my name, and which is numbered 4, relates to the preamble. That is not going to be moved by me nor the subsequent one, numbered 5. The only amendment that I propose to move is in regard to clause (6). If it is desired that I should not move my amendment to clause (6) before the amendments relating to the prior clauses which are set down in the name of other Honourable Members, I shall abide by your ruling.

**Mr. President :** I called upon the Honourable Member because I was given to understand through the usual channel that the four amendments standing in his name were an integral part of the settlement.

**Mr. K. C. Neogy :** I beg to move :

" That the following amendments be added to the Resolution :

Clause (6) .

- (i) For the words ' two nominated official members of the Legislative Assembly one of whom ', substitute the words ' one nominated official member of the Legislative Assembly who ' ;
- (ii) For the word ' ten ', substitute the word ' eleven ' ;
- (iii) For the words ' two further nominated official members ', substitute the words ' one further nominated official member ' ;
- (iv) For the word ' five ' wherever it occurs, substitute the word ' six '."

The House will realise that this amendment is aimed at reducing the official representation on the Standing Finance Committee and the Central Advisory Council, and to increase the number of the elected representatives of this House thereon.

As I think my friend the Honourable Sir Charles Innes is going to accept this amendment, I will not take up the time of the House in discussing it.

**The Honourable Sir Charles Innes :** I wish to say that Government accept Mr. Neogy's amendment.

**Mr. President :** The question is :

“ That these amendments be made.”

The motion was adopted.

**Diwan Bahadur M. Ramachandra Rao :** Sir, on behalf of Mr. K. Rama Aiyangar I beg to move the following amendment :

“ That at the end of paragraph 2 of clause (6), the following be added :

‘ and shall, as far as possible, instead of the expenditure programme revenue show the expenditure under a depreciation fund created as per the new rules for charge to capital and revenue ’.”

I understand that there is no objection to this amendment from the Government.

**Mr. A. A. L. Parsons** (Financial Commissioner, Railways) : Sir, I accept the amendment.

**Mr. President :** The question is :

“ That that amendment be made.”

The motion was adopted.

**Diwan Bahadur M. Ramachandra Rao :** Sir, on behalf of Mr. K. Rama Aiyangar I beg to move the following amendment :

“ That in clause (7) for the words ‘ in order that more time may be ’ the words ‘ and separate days shall be ’ be substituted.”

**Mr. A. A. L. Parsons :** Sir, I accept the amendment.

**Mr. President :** The question is :

“ That that amendment be made.”

The motion was adopted.

**Mr. Bhubanananda Das** (Orissa Division : Non-Muhammadian) : Sir, my amendment No. 23\* has not been taken up.

**Mr. President :** The warning which I took the liberty of uttering to the House when Colonel Gidney rose is applicable not only to individual speeches but is tenfold more applicable to Members proposing amendments. The structure of the settlement is so delicate that the moving of further amendments may easily disturb it. The Honourable Member has a perfect right to move his amendment but I would appeal to him to forego it.

**Mr. Bhubanananda Das :** In view of the assurance given by Government I beg leave to withdraw my amendments.

**The Honourable Sir Charles Innes :** Sir, with reference to what Col. Gidney has just said, I would like to assure Col. Gidney that the interests of the community which he represents will be fully considered.

**Lieut.-Colonel H. A. J. Gidney :** Thanks very much.

**Mr. President :** The question is :

“ That the main question be now put.”

The motion was adopted.

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“ That in paragraph 2 of clause (6) after the words ‘ railway expenditure ’ the following be inserted :

‘ including estimates of capital expenditure on all new projects ’.”

**Mr. President :** The question is :

“ That the amended Resolution,\* as moved by Sir Henry Moncrieff Smith, and as subsequently amended by the House, be adopted.”

The motion was adopted.

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\* “ This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable railways to carry out a continuous railway policy based on the necessity of making a definite return to general revenues, on the money expended by the State on railways :

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways.
- (2) The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent. on the capital at charge of commercial lines (excluding capital contributed by companies and Indian States) at the end of the penultimate financial year plus one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that, if in any year railway revenues are insufficient to provide the percentage of one per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

The interest on the capital at charge of, and the loss in working, strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues each year.

- (3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve ; provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues.
- (4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues : to provide, if necessary, for arrears of depreciation and for writing down and writing off capital : and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced.
- (5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.
- (6) A Standing Finance Committee for Railways shall be constituted consisting of one nominated official member of the Legislative Assembly who should be Chairman and eleven members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than one further nominated official member, six non-official members selected from a panel of eight elected by the Council of State from their body and six non-official members selected from a panel of eight elected by the Legislative Assembly from their body.

The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways and shall, as far as possible, instead of the expenditure programme revenue show the expenditure under a depreciation fund created as per the new rules for charge to capital and revenue.

- (7) The railway budget shall be presented to the Legislative Assembly if possible in advance of the general budget and separate days shall be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working.

## EXCESS GRANTS FOR 1922-23.

### EXPENDITURE ACTUALLY INCURRED IN EXCESS OF VOTED GRANTS. LAND REVENUE.

**The Honourable Sir Basil Blackett** (Finance Member) : Sir, after the exciting achievements on which we are all congratulating ourselves, I am afraid the House will find it very dull to turn to the subject of excess votes.

(At this stage the President vacated the Chair, which was taken by the Deputy President, Diwan Bahadur T. Rangachariar.)

The motion which I have to make is :

“ That an excess grant of Rs. 2,450 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Land revenue ’.”

This is a small excess due to a technical cause, namely, the fact that the leave salary of an officer, which was chargeable against Central Revenues, was actually adjusted in the Bombay books, and the fact that it was chargeable against this vote was not brought to the attention of those responsible until the time came for closing the books altogether, that is, long after the end of the year. The Public Accounts Committee has been into this and into other excess votes, and has been trying to frame suggestions, following up the work which was done by the Public Accounts Committee last year, which will, we hope, prevent most of these excesses being repeated in future. The Public Accounts Committee of last year made suggestions which will go a long way to prevent these excesses, but their action came too late to affect the year 1922-23 with which we are now concerned. I do not propose to trouble the House with details of

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The expenditure proposed in the railway budget, including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget, if possible.

- (8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years.
- (9) In view of the fact that the Assembly adheres to the Resolution passed in February 1923 in favour of State management of Indian Railways, these arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State-managed Railways remain under State management. But if in spite of the Assembly's Resolution above referred to Government should enter on any negotiations for the transfer of any of the above Railways to Company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract for the transfer of any of the above Railways to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution.

Apart from the above convention this Assembly further recommends :

- (1) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and
- (4) that the purchase of stores for the State Railways should be undertaken through the organisation of the Stores Purchase Department of the Government of India.”

any of these excess votes in moving them, though I shall be very glad to do my best to answer any questions. I beg to move, Sir.

The motion was adopted.

#### STAMPS.

**The Honourable Sir Basil Blackett** : Sir, I move the next vote in respect of " Stamps ".

**Mr. Deputy President** : The question is :

" That an excess grant of Rs. 10,73,110 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ' Stamps '."

The motion was adopted.

**The Honourable Sir Basil Blackett** : I suppose it is in accordance with your desire, Sir, that I should move each of these votes separately ?

**Mr. Deputy President** : Yes, I think so.

#### POLICE.

**The Honourable Sir Basil Blackett** : I move :

" That an excess grant of Rs. 9,547 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ' Police '."

**Mr. K. Venkataramana Reddi** (Guntur *cum* Nellore : Non-Muhamadan Rural) : May I know why this excess grant is incurred ?

**The Honourable Sir Basil Blackett** : This represents, like the first vote, partly a share of leave salary of certain officers, debitable to Central Revenues, which was originally brought to account against one of the Provincial Governments, and was not transferred to the place to which it properly belongs, namely, Central Revenues, until after the close of the year. It also represents the expenditure on certain establishments which were treated as provincial during the year in question, but were decided to be central after the year had closed, and it also represents a sum of Rs. 359, which is a portion of the expenditure incurred in September 1921 on account of utilisation of the force employed in the Council of State and Legislative Assembly Chambers. That also was omitted in the provision when the estimate was drawn up, under a misapprehension.

The motion was adopted.

#### SURVEY OF INDIA.

**The Honourable Sir Basil Blackett** : I move :

" That an excess grant of Rs. 3,07,853 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ' Survey of India '."

**Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna : Non-Muhamadan Rural) : Sir, Honourable Members will notice that the net grant available for the Survey of India is Rs. 17,34,000, and the excess now for which the sanction of the House is required is Rs. 3,07,853. Turning to the proceedings of the Public Accounts Committee the only explanation I find is that this was due to the revised estimate being too low. I should like to know the circumstances in which this revised estimate was framed and as to why this excess expenditure of Rs. 3,07,853 was incurred.

**The Honourable Sir Basil Blackett :** As explained in the Public Accounts Committee last year, it was the habit of the authorities concerned to draw up each year in March a revised estimate for the total budget expenditure for the purpose of presentation to this House at the time of the presentation of a new budget. That was a very desirable procedure in order that this House might know what was the probable outturn of the year that was about to close. But the authorities went further ; they distributed increases or decreases that made up the total of the revised estimate over each individual head of expenditure. Those revised figures for the whole of the expenditure, which were usually in the end found to be a little bit more than the actuals, were drawn up on the basis of expenditure sanctioned to the Accountants General. They were not drawn up on the basis of any consultation with the officers responsible for the expenditure concerned. The net result was that certain officers responsible for expenditure found that in the revised estimate the House had reduced the amount at their disposal by a large sum, of which they had no knowledge, although they had in fact already spent more than the reduced sum. Obviously the revised estimate was useful for certain purposes, namely, for the revised estimate of total expenditure, but ought not to have been distributed over each head without consultation with and careful examination of the figures of expenditure available to the officers responsible for the expenditure. That system was not followed last year, so we hope this cause of an excess vote will not occur again after the year we are now dealing with ; but the new method could not, as I explained, be brought into operation for the year 1922-23 because the Public Accounts Committee only made its recommendation in July 1923. In this particular case the final net vote for " Survey of India " was Rs. 17,34,000. (It is given in the Appendix to the Public Accounts Committee's Report). The original vote was Rs. 25,24,000 and it was reduced by the revised estimate to Rs. 17,34,000. The actual expenditure was Rs. 20,41,000. That is to say, there was a saving as compared with the original estimate, but an excess as compared with the revised estimate. The revised estimate was wrongly framed in this particular case because the stores supplied by the High Commissioner in London were left unadjusted in the accounts of the previous year and had to be brought into the account this year. No account was taken of that fact when the revised estimate was drawn up. But in point of fact the whole explanation is that the revised estimate was drawn up without consultation with the officer responsible for the expenditure.

**Diwan Bahadur M. Ramachandra Rao :** May I ask the Honourable Member as to the department which watches over the expenditure after the revised estimates are made ? I take it that the account officers have to pass this excess expenditure from time to time after the revised estimates are officially sanctioned by the Government of India. If that is so, does the Finance Department approve of the expenditure incurred after the revised estimates are sanctioned ? I think if there is any expenditure over the revised estimate it ought to be placed before the Standing Finance Committee for its approval.

**The Honourable Sir Basil Blackett :** It is not a question of new expenditure ; it is a question frequently of expenditure that has actually been incurred before the revised system was drawn up but was not known to be chargeable to this vote. The Public Accounts Committee have given great attention to this matter and I am in hopes that we are

rapidly re-orientating our system of accounts so as to take proper notice of the directions of the Assembly when they vote money.

The motion was adopted.

METEOROLOGY.

**The Honourable Sir Basil Blackett** : Sir, I move :

“ That an excess grant of Rs. 24,847 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Meteorology ’.”

The motion was adopted.

ARCHAEOLOGY.

**The Honourable Sir Basil Blackett** : Sir, I move :

“ That an excess grant of Rs. 24,005 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Archaeology ’.”

The motion was adopted.

MINES.

**The Honourable Sir Basil Blackett** : Sir, I move :

“ That an excess grant of Rs. 4,667 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Mines ’.”

The motion was adopted.

OTHER SCIENTIFIC DEPARTMENTS.

**The Honourable Sir Basil Blackett** : Sir, I move :

“ That an excess grant of Rs. 3,329 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Other Scientific Departments ’.”

The motion was adopted.

EDUCATION.

**The Honourable Sir Basil Blackett** : Sir, I move :

“ That an excess grant of Rs. 7,497 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Education ’.”

The motion was adopted.

MEDICAL SERVICES.

**The Honourable Sir Basil Blackett** : Sir, I move :

“ That an excess grant of Rs. 23,870 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Medical Services ’.”

The motion was adopted.

AGRICULTURE.

**The Honourable Sir Basil Blackett** : Sir, I move :

“ That an excess grant of Rs. 31,894 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Agriculture ’.”

The motion was adopted.



## AVIATION.

**The Honourable Sir Basil Blackett :** Sir, I move :

“ That an excess grant of Rs. 6,208 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Aviation ’.”

The motion was adopted.

## CENSUS.

**The Honourable Sir Basil Blackett :** Sir, I move :

“ That an excess grant of Rs. 37,241 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Census ’.”

The motion was adopted.

## EMIGRATION—EXTERNAL.

**The Honourable Sir Basil Blackett :** Sir, I move :

“ That an excess grant of Rs. 1,019 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Emigration—External ’.”

The motion was adopted.

## JOINT STOCK COMPANIES.

**The Honourable Sir Basil Blackett :** Sir, I move :

“ That an excess grant of Rs. 12,781 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Joint Stock Companies ’.”

The motion was adopted.

## MISCELLANEOUS DEPARTMENTS.

**The Honourable Sir Basil Blackett :** Sir, I move :

“ That an excess grant of Rs. 13,509 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Miscellaneous Departments ’.”

The motion was adopted.

## STATIONERY AND PRINTING.

**The Honourable Sir Basil Blackett :** Sir, I move :

“ That an excess grant of Rs. 41,382 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Stationery and Printing ’.”

The motion was adopted.

## ADJUSTMENTS WITH PROVINCIAL GOVERNMENTS.

**The Honourable Sir Basil Blackett :** Sir, I move :

“ That an excess grant of Rs. 7,320 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Adjustments with Provincial Governments ’.”

The motion was adopted.

## REFUNDS.

**The Honourable Sir Basil Blackett :** Sir, I move :

“ That an excess grant of Rs. 89,877 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ‘ Refunds ’.”

The motion was adopted.

## DELHI.

**The Honourable Sir Basil Blackett :** Sir, I move :

"That an excess grant of Rs. 32,943 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Delhi'."

The motion was adopted.

## RAJPUTANA.

**The Honourable Sir Basil Blackett :** Sir, I move :

"That an excess grant of Rs. 62,642 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Rajputana'."

The motion was adopted.

## CENTRAL INDIA.

**The Honourable Sir Basil Blackett :** Sir, I move :

"That an excess grant of Rs. 66,497 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Central India'."

The motion was adopted.

## IRRIGATION.

**The Honourable Sir Basil Blackett :** Sir, I move :

"That an excess grant of Rs. 25,219 be voted by the Assembly to regularise the expenditure charged to Capital actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Irrigation'."

The motion was adopted.

## INTEREST-FREE ADVANCES.

**The Honourable Sir Basil Blackett :** Sir, I move :

"That an excess grant of Rs. 74,49,592 be voted by the Assembly to regularise the expenditure under 'Disbursements of Loans and Advances' actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Interest-free advances'."

**Diwan Bahadur M. Ramachandra Rao :** Sir, as regards this item I find that some explanation is given in the report of the Public Accounts Committee at page 5, paragraph 12. It is there stated :

"The actual excess occurs under the head of 'advances repayable' and is explained as due partly, as last year, to the system of accounting in the Army Department and partly to heavier advances being made to contractors."

May I ask the Honourable Member whether there is no system in the Army Department of watching advances made to contractors from time to time and whether a large sum of Rs. 74 lakhs should be placed at the disposal of contractors in advance of actual payments, by which the State loses. I should like the Honourable Member to tell us what exactly is the system of the Army Department.

**The Honourable Sir Basil Blackett :** The explanation of this excess will be found at page 200 of the Appropriation Report of the Central Revenues. This again is really a case where the revised grant is the main cause of the error. The original grant was Rs. 12,06,37,000 ; the revised grant was Rs. 10,31,12,000 ; the actual expenditure was Rs. 11,05,81,000. That is, the original expenditure was 74 lakhs in excess of the revised grant but was just a crore less than the original grant. The main explanation

[Sir Basil Blackett.]

is really there. I shall be very glad to give the Honourable Member a technical explanation of this system of accounting in the Military Department which has given us some trouble in the Public Accounts Committee, but I do not think that I had better enter on a long disquisition here as it is a very technical one. We are trying to improve on it but I should like just to point out to the House that it is not a question of final expenditure. This is merely an advance repayable. What happens is that the advance that is made by the Military to contractors under a regular system is first of all brought to account as an advance repayable voted by this House. It is then charged finally to the Army Department, possibly about three months later and repaid to this vote. It is really only a postponement of about three months of the actual charge to the Army Department.

**Diwan Bahadur M. Ramachandra Rao :** Sir, my point was not that the original grant was 12 crores. The point really is whether it is right that the contractors, after the final grant of 10 crores has been settled, should have been permitted to use 74 lakhs, and whether there is anybody in the Army Department who is watching the advances made to contractors.

And as regards the 74 lakhs advanced to contractors, was it without any *quid pro quo* to the Department in the shape of interest ?

**The Honourable Sir Basil Blackett :** There is a *quid pro quo* to the Department in the terms of the contract, one of the terms of which is that certain advances should be made. Otherwise the charge would presumably be higher. I can assure the Honourable Member that there is a very great check kept over this in the Military Accounts Department by the accountants concerned. The difficulty in this case is the difficulty we have come across in many cases, i.e., of lack of co-ordination and of exchange of information between the disbursing authority and the accounting authority. It is probably not correct to say that an advance of 74 lakhs was made after the revised estimate was drawn up. The advance had probably been made already but those who had to frame the revised estimate did not know of it. And this difficulty we hope will not occur.

The motion was adopted.

## DEMANDS FOR SUPPLEMENTARY GRANTS.

### STAMPS.

**The Honourable Sir Basil Blackett (Finance Member) :** Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 8,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Stamps'."

The purpose of this supplementary grant is to meet a portion of the cost of the initial outlay on the establishment of a security printing press in India for the printing of stamps and stamped paper. The details of what we are proposing have been fully before the Standing Finance Committee on several occasions and I think it is recognised on all sides that it is not only inevitable but extremely desirable that we should incur this expenditure so that we may in future do our own printing in a great many cases where it has hitherto been done for us in London.

I beg to move the motion.

The motion was adopted.

## PORTS AND PILOTAGE.

**The Honourable Sir Charles Innes** (Commerce Member) : Sir, I beg to move :

“That a supplementary sum not exceeding Rs. 75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of ‘Ports and Pilotage’.”

This supplementary demand, Sir, has arisen in connection with certain light ships on the Burma coasts. We provided in the budget estimates for Rs. 12,000 for the repair of these light ships. When the ships were laid up, they were found to require more repair than we originally anticipated. That accounts for an excess of Rs. 12,000. In addition, one of the ships was found to be in such a bad condition that, in order to make her fit to meet the cyclonic and the monsoon season of 1925, we had to recondition her at a cost of Rs. 40,000. That accounts almost entirely for this excess demand. The demand has been put in by the Government of Burma and the Government of India are quite satisfied that it must be met. But I may explain that the cost will be covered by dues under the Burma Ports Lights Act.

The motion was adopted.

## ZOOLOGICAL SURVEY.

**Mr. J. W. Bhore** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“That a supplementary sum not exceeding Rs. 38,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of ‘Zoological Survey’.”

Sir, I need only explain that we are seeking to utilise savings which have accrued under the head of non-voted expenditure due to the fact that European officers whose salaries were non-voted have ceased to be on the establishment and their place has been taken by Indian officers whose salaries are voted. Part of the savings we propose to utilise for the fitting up of the Invertebrate Gallery of the Indian Museum.

Sir, I beg to move the motion.

The motion was adopted.

## AGRICULTURE.

**Mr. J. W. Bhore** : Sir, I beg to move :

“That a supplementary sum not exceeding Rs. 6,57,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of ‘Agriculture’.”

The explanation for this has been fully given in the note which has been circulated to Members of this House. This is the capital sum representing the book value of the Dairy Farms at Bangalore, Wellington and Karnal, which were transferred in pursuance of the recommendations of the Retrenchment Committee from the Military Department to the

[Mr. J. W. Bhore.]

Civil Department. It involves no extra charge. It is merely a debit to Civil funds and a credit to Military funds.

I beg to move the motion.

**Mr. K. C. Neogy** (Dacca Divison : Non-Muhammadan Rural) : Sir, I beg to move :

“That the demand under the head ‘Agriculture’ be reduced by Rs. 100,000.”

My intention in moving this motion is to obtain certain information with regard to the future working of these Dairy Farms. As my Honourable friend, Mr. Bhore, has stated, the transfer of these Dairy Farms from the control of the Army Department to the control of the Agricultural Department, is in pursuance of the recommendations of the Inchcape Committee. The Inchcape Committee in their Report observed that the operations of these farms expanded very considerably during the war and that they were at that time overburdened with buildings and plant in excess of the demands for their produce. And I find that these Military Dairy Farms were responsible for a loss of Rs. 10,66,000 in 1918-19, Rs. 15,90,000 in 1919-20, and Rs. 6,24,000 in 1921-22. And I further note that there is a system in vogue under which the dairy produce is sold at less than cost price. In this connection I also observe that the Inchcape Committee recommended that the system of preferential rates in force should be reviewed. I should like to know whether, with the transfer of these farms to the control of the Agricultural Department, they will be worked on a commercial basis, or whether the same system will continue and whether these farms will show a net loss to the general tax-payer.

**Mr. J. W. Bhore** : Sir, when these farms were taken over, we

12 noon.

decided that they should be worked on a commercial basis and we have made that perfectly clear to those who are charged with the management of these farms. I can give the Honourable Member the assurance that, as far as we possibly can, we shall act in pursuance of that policy in future. We have of course undertaken certain responsibilities when taking over the farms. Under the conditions of transfer, we are bound to guarantee the supply of milk, butter and cream for use of military hospitals and of military personnel. Those were the conditions of transfer and we must adhere to them. But it is made perfectly clear that it is open to the Department of Agriculture to increase the prices of these articles charged to the military, in case we find they do not pay, with the sanction of the Government of India. I can assure the Honourable Member that we shall strictly adhere to this policy. We are not yet in a position to say what is the result of the first year's working but we shall regulate our policy in regard to charges in accordance with the results of the audited accounts that we get. I hope the Honourable Member will be satisfied with this assurance.

**Mr. K. C. Neogy** : I beg leave to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

**Mr. Deputy President** : The question is :

“That a supplementary sum not exceeding Rs. 6,57,000 be granted to the Government General Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of ‘Agriculture.’”

The motion was adopted.

## COMMERCIAL INTELLIGENCE.

**The Honourable Sir Charles Innes :** Sir, I beg to move—

“That a supplementary sum not exceeding Rs. 1,01,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of ‘Commercial Intelligence.’”

The explanation of this Demand, Sir, is that certain Local Governments have been collecting for us certain land frontier trade statistics. These statistics have hitherto been collected at the cost of the Local Government, but under the reform scheme and under the Devolution Rules statistics are a central subject and the two Local Governments concerned, namely, the Governments of the United Provinces and of Bihar and Orissa, have now sent us in a bill for the amount. We have had to accept the bill. I may say for the information of the House that we have the whole question of trade statistics under our consideration at the moment and we hope to make better and possibly cheaper arrangements. I move the motion, Sir.

**Mr. B. Venkatapatiraju** (Ganjam cum Vizagapatam : Non-Muhamadan Rural) : Sir, I notice from the proceedings of the Standing Finance Committee supplied to us that the Government propose to spend about Rs. 66,100 for the purpose of an Expert Committee to inquire into and report as to what measures should be taken for the improvement of coal export.

**The Honourable Sir Charles Innes :** Sir, I rise to a point of order. That question has nothing to do with this Demand, nor does it come under the Commerce Department Budget.

**Mr. Deputy President :** This Demand relates to Commercial Intelligence. Under what head does the Honourable Member wish to bring his point ?

**Mr. B. Venkatapatiraju :** Sir, the Government propose to spend this amount and they have not brought it before the Assembly. I want to know whether they want to spend it without the knowledge of the Assembly or whether they want to spend it by reappropriation from other funds or whether they would bring it under any head.

**Mr. Deputy President :** The Honourable Member has not answered my question. Under what head does he wish to bring it ? How does it come under the head ‘Commercial Intelligence’ ?

**Mr. B. Venkatapatiraju :** I understand, Sir, that Sir Charles Innes is in charge of the Commerce Department and he wants that an Expert Committee should be appointed to inquire into the coal trade. Therefore, the Honourable the Commerce Member is responsible for this. If not Sir Charles Innes, I may ask the Honourable the Finance Member whether he is responsible for spending this amount. Somebody must be answerable for spending this amount. I want just to know whether the Government are prepared to place the question before the Assembly before they propose to spend the amount or whether they want to spend it without the knowledge of the Assembly or whether they want to spend it by reappropriation from any other sources available to them without placing the matter before the Assembly. That is the object with which I raised this question. Whether it is in charge of the Finance Member or the Commerce Member matters very little to me. But I want to raise the constitutional question. They ought to spend a large amount only with the

[Mr. B. Venkatapatiraju.]

knowledge and with the permission of this Assembly. It is for that purpose that I raise this question.

**The Honourable Sir Basil Blackett :** I should be extremely happy to give the explanation as I have no desire to burke discussion, but I believe it to be entirely out of order.

**Mr. Deputy President :** If the objection is taken on a point of order I must uphold the objection. I wish to know whether objection is taken on a point of order, or whether the Honourable Member is willing to give the explanation.

**The Honourable Sir Basil Blackett :** In the interests of regularity of discussion in this House I do not think it desirable that we should have a discussion, if I may say so, on a subject of this sort on a vote that has nothing to do with it. But I should be very happy to give the information with the leave of the House.

**Mr. Deputy President :** I would not allow a discussion, but I will certainly allow the Honourable the Finance Member, if he is prepared to give the explanation, to give it.

**The Honourable Sir Basil Blackett :** The expenditure on the Coal Committee, Sir, will be a charge against vote No. 47, "Miscellaneous", the vote under which provision is made for expenditure on committees of this sort. The proposals for the expenditure were, in accordance with the arrangements agreed to between the House and the Government, put before the Standing Finance Committee, and their recommendation on the subject is contained in this Volume. I think it is on page 53 of Vol. IV, No. 2, of the Standing Finance Committee's recent report. The estimated expenditure for the next about five months is about Rs. 66,000. It will be observed that no supplementary estimate under the head "Miscellaneous" is before the House for the reason that it is expected that savings in other heads under the vote "Miscellaneous" will be sufficient to cover this additional expenditure. No additional grant from the House over and above the grant already voted is therefore required. The sum will, we hope, be met by reappropriation within the vote. It will be met with the full knowledge of the Standing Finance Committee, and I think it is in accordance with the regular practice.

(Sardar V. N. Mutalik then rose to speak.)

**Mr. Deputy President :** I would not allow any discussion on this. Honourable Members having heard the explanation, if they want to discuss it, they will have to do so on an independent motion.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars : Landholders) : Can I not speak on the explanation that has been supplied to the House on the question raised by the Honourable Mr. Raju?

**Mr. Deputy President :** I cannot allow that discussion. The question is :

"That a supplementary sum not exceeding Rs. 1,01,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Commercial Intelligence'."

The motion was adopted.

## EXPENDITURE IN ENGLAND (HIGH COMMISSIONER FOR INDIA).

**The Honourable Mr. A. C. Chatterjee** (Industries Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 70,000 (gross) be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Expenditure in England (High Commissioner for India)'."

The reasons for this motion are explained in the blue book which has been circulated to Honourable Members. It is consequential on the Government taking over under State management the East Indian Railway and the Great Indian Peninsula Railway. The stores that used to be purchased by the Home Boards of these two Railways in England will now be purchased by the organisation under the High Commissioner and the High Commissioner has therefore to be placed in funds in order to meet the additional staff that will be necessary. He will have to pay for the additional staff in his own office and certain expenses that are ordinarily incurred by the Consulting Engineers in these respects. The amount that we are asking for this year is what will be required during this year, but the amount next year will probably be somewhat larger. At the same time, I wish to repeat the explanation which was given to the Standing Finance Committee, namely, that practically the whole sum will be recovered in the way of surcharges from the Railway Administrations. The net cost to Government will, therefore, be practically nothing. As a matter of fact, the new procedure will entail a very considerable saving as the High Commissioner will be able to utilise his ordinary staff for much of the work which used to be done by a special staff employed by the Home Boards of the two Railways. Sir, I move the motion.

**Mr. Deputy President** : The question is :

"That a supplementary sum not exceeding Rs. 70,000 (gross) be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Expenditure in England (High Commissioner for India)'."

The motion was adopted.

### DEPUTATION OF MR. DENYS BRAY TO THE FRONTIER IN CONNECTION WITH THE RIOT AT KOHAT.

**The Honourable Sir Alexander Muddiman** (Home Member) : With your permission, Sir, I should like to announce to the House that His Excellency the Governor General has decided to depute Mr. Bray, Foreign Secretary, to proceed to the Frontier at once, to discuss the situation with the Chief Commissioner and consult with him as to the measures which should be taken to restore confidence, and to report the result to the Government of India with the least possible delay. I may add that Mr. Bray will leave Simla by to-day's afternoon train.

### RIOT AT KOHAT.

**Mr. Denys Bray** (Foreign Secretary) : With your permission, I should like to correct a mis-statement of mine the other day. I stated in the House that some 303 Muslims had been placed under arrest in Kohat. The telegram that had reached me actually read "303 Muslims had been arrested". I have now ascertained that this was a mutilation and that



[Mr. Denys Bray.]

the telegram ought to have read "3 Hindus and 3 Muslims had been arrested". I should like to add this that with a view to restore confidence as soon as might be and to facilitate the return of the Hindus in particular to Kohat, arrangements are being made to advance money to those who are really homeless and really indigent with a view to helping them to get back to Kohat.

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Mr. Deputy President : The Honourable Sardar V. N. Mutalik wants to know why I disallowed\* discussion. It is not usual to give an explanation of the rulings of the Chair, but the matter is obvious. If the Honourable Member had followed the discussion he would have noticed that the point that Mr. Raju raised does not arise out of the grant before the House. That is why I overruled the discussion.

The Assembly then adjourned till Eleven of the Clock on Monday, the 22nd September, 1924.

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\* See p. 3880, ante.

# LEGISLATIVE ASSEMBLY.

*Monday, 22nd September, 1924.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### PUNISHMENT OF RAILWAY EMPLOYEES FOR INFRINGEMENT OF RULES.

2297. \***Mr. M. Yusuf Imam** : (a) Will the Government state what railway rule is infringed by the employees by going away for a few hours from their stations to fetch provisions and other necessities during the rest hours ; and also state under what rule the various kinds of punishments, namely, suspension with a forfeiture of pay, reduction in pay, postponing annual increment, etc., are inflicted on them for the reasons, a complaint about which has been published in the newspapers *Lakshman* dated 26th July 1923, and also *Bharatjiwan* dated 26th November 1923 ?

(b) Is it correct that the forfeiture of a sum from an employee's salary on account of suspension or reduction in pay is only permissible in cases of infringement of the general rules 225, 226, 229, 231, 232, 233, 242 and 243 but in all other cases only a fine is imposable as per general rule 359 (1), provided that no railway servant shall be thereby rendered liable to be punished twice for the same offence ?

**Mr. C. D. M. Hindley** : (a) Government have not seen the complaints referred to, and, in the absence of information as to the facts and the railway concerned, they are not in a position to give a reply to this part of the question.

(b) A copy of General Rule 359 (1), which gives details of the penalties for breach of the rules quoted, is being sent to the Honourable Member.

### ROYAL ARMY TEMPERANCE ASSOCIATION.

2298. \***Mr. C. S. Ranga Iyer** : (i) Will the Government be pleased to state whether it is a fact that the Royal Army Temperance Association has ceased to exist ? If so, from when ? And why ?

(ii) (a) Was a committee appointed by the Government to inquire into the affairs of the Association ?

(b) Has the Committee reported ?

(c) Will the Government be pleased to publish the report ?

(d) Will the Government place on the table all the papers in its possession bearing on this subject ?

**Mr. E. Burdon :** (i) The Government of India are informed that the Governing Council of the Royal Army Temperance Association (India) has ordered its branches to close with effect from the 29th February 1924 but that the Association has not yet terminated its existence. The chief reasons for the closure of the branches of the Association are understood to be :

- (1) the standard of temperance among British soldiers has much improved ;
  - (2) in recent years, reforms have been introduced in the administration of regimental institutes and other measures have been devised which render unnecessary the direct activities of the Royal Army Temperance Association (India).
- (ii) (a). No.
- (b) (c) (d). Do not arise.

**Mr. C. S. Ranga Iyer :** Will Government be pleased to state if a kind of, if I may use the expression without any offence, fraud was perpetrated on the funds of the Association?

**Mr. E. Burdon :** I am afraid that Government are not in a position to make any statement on the point. The Royal Army Temperance Association (India) is a body incorporated under a Statute with a memorandum of association of its own, and is not, strictly speaking, an official organisation.

#### MEDICAL EXAMINATION OF PILGRIMS TO BAGHDAD AND KERBALA.

2299. **\*Haji Wajihuddin :** Is it a fact that pilgrims for Baghdad and Kerbala suffered last season great hardships after embarkation from Bombay when they were taken out from the steamer at Karachi for medical examination and if so under what authority and for what special reason examination was done at Karachi after sailing from the port of Bombay ? Do the Government propose to issue necessary instructions in the matter ?

**Mr. J. W. Bhore :** Pilgrims to Baghdad and Kerbala do not sail by pilgrim ships and are not treated as pilgrims under the Indian Merchant Shipping Act, 1923. They sail by ordinary ships and if any such ships arrive at Karachi from Bombay without bills of health they have to send ashore all deck passengers travelling to ports beyond India for compulsory disinfection and medical examination under the rules made under the Indian Ports Act. No cases of hardship caused to such passengers have come to the notice of Government and they do not therefore propose to issue any instructions in the matter.

#### INSTALLATION OF A TRAIN STOP APPARATUS ON THE GREAT INDIAN PENINSULA RAILWAY.

2300. **\*Haji Wajihuddin :** Are the Government aware that the G. I. P. Railway have recently installed a 'Train Stop' on certain portions of their line and if so to what extent it prevents the possibility of collision and accidents and what is the cost of installation and whether it is proposed to extend same gradually throughout India ?

**Mr. A. A. L. Parsons :** Government are aware that a Train Stop apparatus is being installed on the Itarsi-Jubbulpore section of the Great Indian Peninsula Railway as an experimental measure, at an estimated cost of about Rs. 46,000. The object aimed at is the prevention of collisions by preventing two trains being on the same block section at the same time, but it is not possible to say if this object will be achieved or whether the use of the appliance will be increased until the results of the experiment are known. These results of course will be carefully watched.

REPATRIATION OF PILGRIMS TO THE HEDJAZ.

**2301. \*Haji Wajihuddin :** Will the Government be pleased to state (a) the approximate number of Hedjaz pilgrims who purchased from Indian ports during last season single and return tickets respectively, (b) how many of them came back safely at their own expense, (c) how many were found destitute and at what cost were they repatriated ?

**Mr. J. W. Bhore :** A statement giving the necessary information is placed on the table.

*Statement showing the number of Hedjaz pilgrims who purchased single and return tickets during the pilgrim season of 1923; the number of destitutes and the cost of their repatriation.*

Number of pilgrims who purchased single tickets.	Number of pilgrims who purchased return tickets.	*NUMBER OF DESTITUTE.		EXPENDITURE ON THE REPATRIATION OF DESTITUTE PILGRIMS.			
		Repatriated by shipping Companies free of charge.	Repatriated by Government.	Contributions by pilgrims.	Contribution by Central Haj Committee.	Contribution by Government of India.	Total expenditure.
				Rs.	Rs.	Rs.	Rs.
23,349	694	1,049	1,716	19,361	2,600	35,300	57,261

\* The rest of such pilgrims as returned to India presumably paid their own expenses.

RAILWAY DISASTER NEAR HARAPPA ON THE NORTH-WESTERN RAILWAY.

**2302. \*Sardar Gulab Singh :** (a) Are the Government aware that a serious collision occurred beyond Harappa on the N. W. R. on the 29th August, resulting in very serious casualties ?

(b) Are the Government aware that all the passengers killed or injured belong to the intermediate and third class ?

(c) Will the Government please state how many suits have been filed for compensation by the sufferers ?

(d) Do the Government contemplate instructing the railway authorities to voluntarily give deserving compensation in the case of every sufferer ?

(e) Are the Government prepared to suggest two arbitrators to the railway authorities and the sufferers who may estimate the amount of compensation deserved in each case ?

**Mr. A. A. L. Parsons :** (a) to (d). The Honourable Member is referred to the reply given in this Assembly on 10th September 1924, to Diwan Bahadur M. Ramachandra Rao's question.

(e) Government do not consider that this is necessary.

#### CASUALTIES AMONG THIRD AND INTERMEDIATE CLASS PASSENGERS IN RAILWAY COLLISIONS.

2303. **\*Sardar Gulab Singh :** (a) Are the Government aware that most casualties occur amongst third and intermediate class passengers during collisions ?

(b) What immediate action, if any, do the railway authorities contemplate taking to minimise the risk of travelling for this class of passengers ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) The Honourable Member is referred to the reply given in this Assembly on 10th September 1924, to Diwan Bahadur M. Ramachandra Rao's question.

#### COLLISIONS ON RAILWAYS IN 1924.

2304. **\*Sardar Gulab Singh :** Will the Government please state the number of railway collisions that have occurred during this year, giving in each case the following facts:—(1) Name of railway where collision occurred, (2) Number of killed, (3) Number of wounded, (4) Total amount of compensation awarded, (5) Number of casualties amongst first and second class passengers, (6) Number of casualties among railway staff, (7) The number of suits filed for compensation.

**Mr. A. A. L. Parsons :** All the information available will be found in Appendix C. of Volume II of the Report by the Railway Board on Indian Railways for 1923-24, which will be issued shortly.

#### GRIEVANCES OF THE BELUR PASSENGERS.

2305. **\*Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 6th September 1924, page 11, under the heading "Grievances of the Belur passengers" ?

(b) If so, will they please state if the statements made therein are correct ?

(c) If correct do they propose to issue instructions to the railway authorities concerned to redress the grievances of the travelling public ?

**Mr. A. A. L. Parsons :** (a) Government have seen the letter referred to.

(b) and (c). A copy of this question and answer, together with a copy of the letter, will be forwarded to the Agent, who will doubtless discuss the matter with his Local Advisory Committee.

REVIVAL OF THE SALT INDUSTRY ON THE ORISSA COAST.

2306. \*Pandit Nilakantha Das : (1) Are the Government aware :

(a) that in the old Bihar and Orissa Legislative Council a Resolution was moved in March 1918 to revive the salt industry on the coast of Orissa ;

(b) that the Government of Bihar and Orissa gave assurances for reviving the salt industry there ?

(2) Was (i) any inquiry made, (ii) responsible firm asked, or (iii) the Government of India moved, in accordance with the promise made by the Bihar and Orissa Government on that occasion ; and (iv) was there any attempt made on the part of the Government for the revival of the industry in the area ?

(3) If so, what was done, with what result ?

The Honourable Sir Basil Blackett : (1) The answer is in affirmative.

(2) and (3). In view of the then prevalent shortage of salt in India, inquiries were made, which resulted in firms of standing interesting themselves in the revival of the salt industry in Orissa. The firms however eventually abandoned their schemes on detailed examination.

MANUFACTURE OF SALT FOR HOME CONSUMPTION BY THE PEOPLE OF ORISSA DURING THE FAMINE OF 1919-20.

2307. \*Pandit Nilakantha Das : Are the Government aware that in the last Puri famine in 1919-1920 the Government of Sir E. Gait instructed the local officials by a confidential circular to allow the people of the salt areas to manufacture salt for their home consumption as an anti-famine measure ?

The Honourable Sir Basil Blackett : The Honourable Member is presumably referring to the instructions issued in 1918, when in view of the shortage of salt stocks in India and the high prices, excise officers were instructed not to prosecute persons who extracted salt on a small scale for their home consumption.

REVIVAL OF THE SALT INDUSTRY ON THE ORISSA COAST.

2308. \*Pandit Nilakantha Das : Has the attention of the Government been drawn to the fact that recently on Aug. 21, the people of Parikud (Chilka Salt areas) have approached the Government for the immediate revival of the salt industry in the said area with the following resolution passed at a gathering of the people there ?

The Resolution runs :

“ In view of the fact that the salt industry, which was the main industry of the people of the coast lands, having been abolished, this locality has fallen without labour and occupation and that agriculture being not in keeping with the climatic conditions of the place, scarcity and even famine have practically become endemic in this area, this meeting of the rayats of Parikud most emphatically expresses that the revival of salt industry is the main remedy for saving the people from famine

and emigration and saving the area from ultimate depopulation. This meeting prays that the Government do take immediate measures to revive the industry, which was the main occupation of the people from very ancient times."

**The Honourable Sir Basil Blackett :** The answer is in the negative.

#### REVIVAL OF THE SALT INDUSTRY ON THE ORISSA COAST.

2309. **\*Pandit Nilakantha Das :** Are the Government prepared to consider immediate measures and take effective steps for the revival of the salt industry on the Orissa coast,

- (i) to give relief to the people there in need, as well as
- (ii) to redeem the assurances of the Bihar and Orissa Government, made in 1918 ?

**The Honourable Sir Basil Blackett :** The administration of the Salt Department in Orissa will, it is anticipated, shortly be taken over by the Central Board of Revenue and the Board will give due consideration to any reasonable proposal that may be put forward before it for the suggested revival of the salt industry in Orissa.

#### PROCEDURE FOLLOWED BY THE INDIAN STORES DEPARTMENT *re* TENDERS FOR STORES.

2310. **\*Sir P. S. Sivaswamy Aiyer :** 1. Will the Government be pleased to state, if it is true :

- (a) That tenders for stores to be purchased by the Indian Stores Department are advertised for in the Indian Trades Journal ?
- (b) That on the due date the tenders are opened publicly, in the presence of any tenderers who wish to be present and the prices quoted are read over to them ?
- (c) That a statement of all orders placed by the Department, with prices, is published weekly in leading papers in India ?

2. If the reply to question No. 1 be in the affirmative, will the Government be pleased to state, if there are any reasons why unlike the Indian Stores Department, the Master General of Supplies and the different railway administrations and the Railway Board do not follow this wholesome procedure ?

**The Honourable Mr. A. C. Chatterjee :** 1. (a) The procedure in force in the Indian Stores Department is, whenever time permits, to invite tenders for all requirements exceeding Rs. 5,000 in value by means of advertisements in the *Indian Trades Journal* and, in special cases, in leading newspapers also. For urgent demands and demands under Rs. 5,000 in value tenders are invited from firms, borne on the list of the Chief Controller of Stores, which deal in the class of articles required.

(b) and (c). The answer is in the affirmative.

2. The Railway Board have instructed railway administrations to follow, as far as is practicable, the procedure indicated in parts 1, (a) and (b) of the question, and, though it would probably not be feasible to publish weekly in the leading newspapers a statement of all the numerous orders, large and small, placed by railways, the Railway Board have also asked railway administrations to publish results of tenders called for publicly in the *Indian Trades Journal*.

The methods of purchase adopted by the Master General of Supply vary according to the nature of the commodity. Generally speaking, these methods are directed to the securing of supplies of the requisite quality at the cheapest rates. The methods actually followed are as follows :

- (a) *Food grains* are purchased wholesale in the principal growing centres through the agency of a commercial firm of standing and tenders for the agency are invited through the medium of the various European and Indian Chambers of Commerce in India.
- (b) *Wheat products* are obtained by milling Government wheat at mills taken under Government control.
- (c) *Coal and coke* are obtained through the Chief Mining Engineer, Railway Board, who places his orders with the collieries.
- (d) *Petrol, mineral oil, lubricants and paints.* Tenders are invited from the producers and manufacturers and their accredited agents who are the only wholesale source of supply.
- (e) *Miscellaneous stores including Ordnance stores.* A list of approved firms, whose credentials and resources have been ascertained, is maintained, and tenders are invited from these firms.

In view of the market conditions obtaining in respect of the classes of stores with which the Master General of Supply deals it is considered that the existing procedure has many advantages, but the question will receive further consideration.

STORES FOR THE MASTER GENERAL OF SUPPLY, THE RAILWAY BOARD AND RAILWAY ADMINISTRATIONS.

2311. \***Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to order the Master General of Supply, the Railway Board, and all the railway administrations in the future :

- (a) firstly to advertise for tenders of all their requirements above Rs. 2,000 and also state in the tenders where the stores are required ;
- (b) secondly, to open all tenders publicly and read out the rates to the competitors who wish to be present ;
- (c) thirdly, to publish weekly, in the leading papers, statements of all orders placed with prices.

**Mr. A. A. L. Parsons** : Government are not prepared to issue orders to the Master General of Supply on the lines suggested. The procedure followed by that officer in the matter of obtaining supplies has already been fully described in the answer given to the Honourable Member's starred question immediately preceding this one, to which I would invite his attention :

- (a) As regards the Railway Board, they seldom, if ever, purchase stores, etc., without calling for tenders. With regard to the railway administrations, it would not be practicable or economical in all cases for railways to advertise for tenders for all their requirements above Rs. 2,000, but this is done in the majority of cases. There are cases in which advertising for tenders would serve no useful purpose or would



cause delay in meeting urgent demands. The tender forms indicate where the stores are to be delivered. I may mention however that numerous railway advertisements for *tenders already appear in the Indian Trades Journal* and I will suggest to Agents that the practice should be extended as far as possible.

- (b) and (c). The Honourable Member is referred to the reply given to part (2) of his question immediately preceding this one.

**Mr. Chaman Lall :** Will Government be pleased to inform the House as to the procedure adopted in giving tenders for railway sleepers to Spedding and Co. ?

#### ARMY CANTEEN BOARD.

2312. **\*Mr. Kumar Sankar Ray :** (a) Will the Government be pleased to state when the present Army Canteen Board system was started ?

(b) Will the Government state what is the constitution of the above Board and what control, if any, have the Government got over its management and constitution ?

(c) Will the Government also state the number of Indian and British units in which the system has been tried and its financial effect on the Government, if any ?

(d) Which of the two systems (the Army Canteen Board system or the old tenancy system) has been found to be more advantageous from the soldiers' point of view and what do the Government propose to do to meet the wishes of those concerned ?

(e) Will the Government be pleased to lay on the table figures showing the strength and pay of the establishment at the Head Office of the Board under the following heads :—Officers—Indians and Europeans, Establishment under the Chief Accountant—Indians and Europeans (including Christians and Anglo-Indians), Establishment under the Secretary—Indians and others ?

(f) What is the proportion of Indian establishment to Europeans in respect of the strength and pay ?

**Mr. E. Burdon :** (a) The Army Canteen Board (India) was incorporated as a Company "Not for profit and limited by guarantee" on the 7th February 1922.

(b) The constitution of the Board is that of a Company "Not for profit and limited by guarantee" and registered under the Indian Companies Act, 1913. The answer to the second part of the question is that the Government retain control over the Board through those provisions in the articles of association which lay down that certain officials of Government, financial and other, shall be associated with the conduct of the Board's operations.

(c) Up to date, the following are the number of British regimental institutes and Indian unit shops conducted by the Army Canteen Board (India) :—British—69 ; Indian—11.

As for the latter part of the question, I am not sure that I understand it. The financial position of the Board was described in the answer given on the 9th June last to starred question No. 1414.

(d) Government have reason to believe that the soldier regards the Army Canteen Board (India) system as being more advantageous to him than the old tenancy system.

(e) and (f). I will furnish the Honourable Member separately with two statements which have been given to me by the courtesy of the Board of Management. It is perhaps desirable for me to emphasise the fact that these establishments are not Government establishments.

“ D ” CLASS QUARTERS FOR GOVERNMENT OF INDIA CLERKS AT RAISINA, DELHI.

2313. \***Mr. Kumar Sankar Ray** : (a) Are the Government aware that the lowest class (D) of residential quarters at Raisina are liked by most of the Government of India clerks more than the higher class ones, if given an option ?

(b) Are the Government aware that it is due firstly to the fact that D class quarters are quite suitable for the requirements of clerks getting pay not only up to 200, but also for those in receipt of pay up to 300 and even 400, and secondly that it is very hard for most of them to pay higher rent when a lower rent quarter is as suitable for them as that of the higher rent ?

(c) Are the Government prepared to consider the question of constructing a larger number of D class quarters and to reduce the rent of C class ones ?

(d) What are the additional articles of furniture available for hire at the Raisina furniture office of the P. W. D. for the next year and what are their rents per mensem ?

**The Honourable Mr. A. C. Chatterjee** : (a) The answer is in the negative.

(b) Does not arise.

(c) No. The sanctioned scheme is approaching completion. It may however be mentioned that of the total number of 1,302 married Clerks' quarters, 849 are Class D.

(d) The information is not at present available.

QUALIFICATIONS, ETC., OF CERTAIN CLASSES OF OFFICIALS EMPLOYED IN THE INCOME-TAX DEPARTMENT, BOMBAY.

2314. \***Mr. Jamnadas M. Mehta** : (1) Will Government be pleased to lay on the table a statement containing information regarding the qualifications necessary for the post of :

(i) Income-tax Examiner, (ii) Income-tax Inspector, (iii) Assistant Examiner, (iv) Assistant or Sub-Inspector, (v) Bailiffs attached to Income-tax offices

Suburban District and other Districts of the Bombay Presidency ?

(2) Will Government be pleased to lay on the table a statement in the following form regarding the officers mentioned in Part (1) ?

Serial No.	Name in full beginning with Surnames.	Age at the time of appointment.	Educational qualifications.	Appointed as with starting salary.	Date and place of appointment.	Present post held.	Present salary with amounts of promotions given with dates in each case.	Place working with date of transfer to the place.
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(3) Will Government be pleased to lay on the table a statement in the subjoined form of all applications for the posts of the officers mentioned in Part (1) and received on or after the 1st May 1923 to 31st July 1924 ?

Serial No.	Name of applicants.	Educational qualifications.	Date on which application was received.
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**The Honourable Sir Basil Blackett :** A statement showing the scale of pay of Income-tax Examiners, Income-tax Inspectors, etc., is placed on the table.

The Government do not propose to order the collection of the remainder of the information asked for, which would involve much labour.

*Statement showing the scales of pay sanctioned for Income-tax Examiners and Inspectors, etc., for the Bombay Presidency.*

Designation.	Bombay City.	Bombay Mofussil.
	Rs.	Rs.
Chief Examiner .. ..	550—25—700	..
Examiners .. ..	225— $\frac{25}{2}$ —500	(Sind) { 175— $\frac{25}{2}$ —325 150—15—225
Inspectors .. ..	200— $\frac{25}{2}$ —500	(Sind) { 150— $\frac{25}{2}$ —325 150—15—225
Assistant Examiners ..	..	115—5—150
Sub-Inspectors .. ..	..	115—5—150

#### STOPPAGE OF RECRUITMENT IN KUMAUN.

2315. \***Mr. C. S. Ranga Iyer :** (1) Will the Government be pleased to state if it is a fact that recruitment for the first battalion of the

Kumaun Rifles and other regiments has been stopped from the towns of Almora, Ranikhet and from the Parganas of Baramandal (excepting Danpur) ; and Pali in the Almora District, Kumaun U. P. If so why ?

(2) Will the Government be further pleased to state whether it is a fact that the interests of men of all position of the aforesaid Parganas, who are already in the first battalion, Kumaun Rifles are being overlooked so as to force some competent Havildars and men of services varying from 11 ; 9 ; 8 ; 7 ; 6 ; and 3 years to request for voluntary discharge.

**Mr. E. Burdon :** (1) No orders have been issued stopping recruitment from any part of Kumaon.

(2) So far as the Government of India are aware this is not a fact, but if the Honourable Member can furnish me with particulars of any case which he knows of, I will have the matter inquired into.

#### NEW PENSION RULES.

2316. **\*Mr. D. V. Belvi :** Will Government be pleased to state when they expect to publish the new Pension Rules under the Fundamental Rules as regards the subordinate or non-gazetted services ?

**The Honourable Sir Basil Blackett :** The rules are now under the consideration of the Secretary of State. I am not in a position to say when they will be published.

#### STOPPAGE OF ACTING PROMOTIONS IN VACANCIES OF ACCOUNTANTS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.

2317. **\*Dr. K. G. Lohokare :** Will Government please say whether the Controller of Military Accounts, Southern Command and Poona District, has withheld altogether acting promotions in vacancies of accountants on leave in his office between 1st September 1922 to 15th September 1923 and narrowed the field for such appointments by making acting promotions from 16th September 1923 to 29th February 1924 only within the strength of accountants authorised for his office on the grounds that the number of accountants actually attached to his office has been continuously in excess of the post-war complement of accountants allotted to his office ?

**The Honourable Sir Basil Blackett :** The information has been called for and will be furnished to the Honourable Member on receipt.

#### STRENGTH OF ACCOUNTANTS IN MILITARY ACCOUNTS OFFICES.

2318. **\*Dr. K. G. Lohokare :** (a) Is it a fact that there exists only one All-India roster of accountants and that the Military Accountant General watches that the strength of accountants on an All-India basis is not exceeded and that the authorised proportion of accountants to clerks for the whole of India and in each Military Accounts office is maintained ?

(b) If so, has not an excess of accountants in the Southern Command and Poona District offices created a shortage in other offices ?

(c) Was the strength of accountants in other Military Accounts offices in India between September 1920 to August 1924 within the complement ? If not, did not the respective authorities experience similar difficulty ?

(d) Were acting promotions in vacancies created by accountants on leave in the other Command and District Controllers' Offices in India strictly restricted to the complement of accountants sanctioned for their offices ?

(e) If no such restrictions were required to be observed by them will Government please say, if they propose to reconsider the orders by the Southern Command and Poona District offices in view of the general roster basis ?

**The Honourable Sir Basil Blackett :** The information has been called for and will be furnished to the Honourable Member on receipt.

OVERLOOKING OF THE CLAIMS OF SENIOR CLERKS TO OFFICIATE AS ACCOUNTANTS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.

2319. **\*Dr. K. G. Lohokare :** Is it a fact that certain senior clerks who have qualified themselves for promotion by passing the subordinate Accounts Service Examination have been overlooked—for no fault or inefficiency of theirs—for officiating promotions in leave vacancies of accountants on the roster of the Controller of Military Accounts, Southern Command and Poona District, Poona, from 1st March 1924, and onwards ? If so, will Government please make inquiries why the senior clerks' claims have been overlooked ?

**The Honourable Sir Basil Blackett :** The information has been called for and will be furnished to the Honourable Member on receipt.

LEAVE VACANCIES IN THE MILITARY ACCOUNTS OFFICES.

2320. **\*Dr. K. G. Lohokare :** Is it a fact that accountants on privilege leave pending reversion to their permanent offices are required to be retained on the strength of the office by the Field Controller of Military Accounts, Poona, until the expiry of their leave and that officiating vacancies in their places are neither filled up by their respective Controllers nor by the Field Controller of Military Accounts, Poona ? Is it decided that such vacancies should not be filled up and should lapse and that clerks serving in the Field Controller's office should remain adversely affected owing to lack of acting appointments as compared with District Controllers' Offices in India ? If not, do Government propose to issue necessary instructions to the authorities concerned to fill up such officiating appointments ?

**The Honourable Sir Basil Blackett :** The information has been called for and will be furnished to the Honourable Member on receipt.

EVIDENCE OF SIR SANKARAN NAIR IN THE O'DWYER NAIR LIBEL SUIT.

2321. **\*Mr. C. S. Ranga Iyer :** (a) Has the attention of the Government been drawn to the evidence of Sir Sankaran Nair in the libel case brought against him by Sir Michael O'Dwyer ?

(b) Has the attention of the Government been drawn to the report of the proceedings published in the *London Times* which contains the evidence ? Are the Government aware that the following passage occurs in the *Times* report :

“ *Sir Walter Schwabe*—Was it suggested that you should see Gandhi.....”  
 “ I was asked to meet him at a round table conference and to discuss a number of matters.”

“ Did he refuse to have anything to do with the Government of India.....”

“ I felt that there was no use in a round table conference because of the unyielding attitude which Gandhi took up when we met.” “ *The witness added that he reported to that effect to the Government of India.*”

“ Sir Sankaran Nair went on to say that after those events he was asked to write a pamphlet dealing with Gandhi's policy ” ?

(c) Are the Government aware that the above excerpt refers to Sir Sankaran's statement on oath ?

(d) Do the Government still persist in saying that Sir Sankaran Nair met Mahatma Gandhi at the Round Table Conference not at their instance ? that he did not report to the Government of India as he says he did according to the passage italicized above ? that the pamphlet “ Gandhi and Anarchy ” was not written at their suggestion ?

**Mr. H. Tonkinson :** (a), (b) and (c). Government have not examined all the evidence but are not aware that the passage quoted in the Honourable Member's question occurs in it and relates to Sir Sankaran Nair's evidence on oath.

(d) There is nothing in the passage quoted which is at variance with the statement made by the Honourable the Home Member in this House on the 8th September. He did not say that Sir Sankaran Nair did not meet Mr. Gandhi and Sir Sankaran Nair is not reported to have said that he either met Mr. Gandhi or wrote his book at the request of the Government of India. Government adhere to everything which they have said previously on this subject.

#### PURCHASE OF RAILWAY AND OTHER STORES THROUGH THE INDIAN STORES DEPARTMENT.

2322. **\*Mr. W. S. J. Willson :** With reference to the statement of Sir Charles Innes in this Assembly on 2nd March 1922 to the effect that

“ If this Indian Stores Department is established, it will purchase for the State Railways all railway materials which can be procured in India..... Then the Stores Department would be mainly occupied in buying railway materials not only for State Railways but for Company Railways also.”

(a) Is it the case that purchases for railways are being made by the railways in direct communication with the London Stores Department independently of the Indian Stores Department ?

(b) Will Government be pleased to state their policy in the matter of the utilisation of the Indian Stores Department by State-worked railways, Company managed State-owned lines, the Post and Telegraph Department and the Military Department ?

**The Honourable Mr. A. C. Chatterjee :** (a) Although the State-worked Railways indent direct on the London Stores Department for such stores as they consider must be obtained from outside India under the

new Stores Rules, copies of all such indents are sent by those Railway administrations to the Indian Stores Department, which advises the railway concerned if any articles included in such indents are manufactured and can suitably be purchased in India.

Company-worked Railways make their own arrangements for the purchase of stores either direct in India or through their Boards of Directors in England.

(b) I would invite the Honourable Member's attention to the recent letter dated the 18th August 1924, addressed to the State-worked Railways and to the East Indian and Great Indian Peninsula Railways, copies of which were laid on the table on the 17th September 1924 in answer to Mr. Neogy's starred question No. 2135. Other Company-worked Railways have been furnished with a copy of the letter addressed to the East Indian Railway and Great Indian Peninsula Railways, and the Railway Board propose to discuss the matter next month with the Agents of all railways.

The Indian Stores Department has already been entrusted with large purchases of textiles and also engineering plant and materials required by the Army. The Department has also taken over the purchase of various classes of stores used by the Post and Telegraph Department. The question of utilising the Stores Department to a greater extent in connection with the purchase and inspection of stores on behalf of these departments is under the consideration of Government.

#### REFUSAL OF PASSPORTS TO BABU SHIVA PRASAD GUPTA AND MAULANA ABUL KALAM AZAD.

2323. \***Mr. Gaya Prasad Singh**: (a) Will the Government be pleased to state if any correspondence has passed between them and the Government of the United Provinces on the subject of the refusal of passports to Babu Shiva Prasad Gupta, who wanted to take his wife to Europe on medical grounds?

(b) If so, will the Government be pleased to lay a copy on the table?

(c) Will the Government be pleased to state if any correspondence has passed between them and the Government of Bengal, on the subject of the refusal of passports to Maulana Abul Kalam Azad, who wanted to go to Europe on medical advice?

(d) If so, will the Government be pleased to lay a copy on the table?

**The Honourable Sir Alexander Muddiman**: There has been some correspondence between the Local Governments concerned and the Government of India regarding the refusal of passports to the two persons named. Government are not prepared to lay copies on the table.

#### BUS SERVICE FOR THE CONVEYANCE OF CLERKS FROM RAISINA TO THE SECRETARIAT IN DELHI.

2324. \***Mr. Kumar Sankar Ray**: (a) Will the Government be pleased to state what and with which transport company has the arrangement been made this year for the conveyance of clerks between Raisina and the Delhi Secretariat?

(b) What amount has been spent on this account for each of the last three years and are the Government making sure by inviting tenders, etc., that this is the cheapest arrangement that could be made?

(c) How long will this arrangement continue and when will the new Secretariat building be ready for occupation ?

(d) Is it a fact that clerks have to wait for about an hour and sometimes for hours, specially on holidays and Saturdays, at the Secretariat bus stand or at Sadar Bazar, before they can get a bus and whether it is due to the fact that the busses do not start at fixed hours till they are full ?

(e) Do the Government contemplate instructing the transport company to fix exact hours for starting the busses even if they are not full and directing them to run extra busses as soon as they are full, so that there may be no unnecessary waste of time ?

**The Honourable Mr. A. C. Chatterjee :** Information is being collected and the Honourable Member will be furnished with a reply as soon as possible.

STATIONS BETWEEN LAHORE AND JHELUM ON THE NORTH WESTERN RAILWAY WITHOUT RAISED PLATFORMS.

2325. **\*Mr. Kumar Sankar Ray :** (a) Will the Government please state the names of railway stations between Lahore and Jhelum on the N. W. R. which have no raised platforms ?

(b) Do the Government realise the difficulty of the passengers, specially children and females, on the railway stations without raised platforms ?

(c) What would be the estimated cost of raising the platforms on these railway stations ?

(d) When do the Government propose to have platforms raised on these stations ?

**Mr. A. A. L. Parsons :** (a) The following stations between Lahore and Jhelum on the North Western Railway have no raised platforms :

1. Kala Shah Kaku.
2. Sadhoke.
3. Eminabad.
4. Rahwali.
5. Dhaunkal.
6. Haripur Bund.
7. Kathala.
8. Deona Juliani.
9. Chak Pirana.
10. Sarai Alamgir.

(b) Yes.

(c) About Rs. 10,000 for each.

(d) The policy of Government is to leave it to the discretion of the railway administration to provide high level platforms where their provision is justified by the traffic offering.

WORKING HOURS OF THE GOVERNMENT OF INDIA SECRETARIAT CLERKS.

2326. **\*Mr. Kumar Sankar Ray :** (a) Will the Government please state what is the usual time up to which Secretariat clerks, etc., usually work in the office and is it a fact that in some Departments it is a regular practice to sit late ?



(b) Will the Government prepare a list of such late sitting officials employed in the Legislative, Finance, and Home Departments and their attached offices at the headquarters ?

(c) Do the Government contemplate laying down the rule that the appointment of Superintendents should generally be made by selection according to fitness for work and qualifications and not by seniority ?

**Mr. H. Tonkinson :** (a) The closing hour in the Government of India offices is 4-30 or 5 P.M. Saturday is a half holiday. Members of the office staff need not stay in office later than the closing hour except on occasions when owing to heavy work they find it necessary to put in extra hours.

(b) I do not know what the Honourable Member means by late sitting officials or how such a list could be prepared.

(c) The criterion usually followed in filling posts of Superintendents is efficiency combined with seniority of the persons concerned. Government do not propose to depart from this practice.

#### PENSIONS OF SECRETARIAT AND ARMY HEADQUARTERS DAFTARIES.

2327. **\*Mr. Kumar Sankar Ray :** (a) Is it a fact that it has been admitted by all concerned (including the heads of the Army and Finance Departments) that the nature of clerical work in the Army Headquarters and Secretariat is quite similar and that for the same reason Secretariat rates of pay have been more than once recommended for the Army Headquarters clerical establishments ?

(b) Has it been admitted that the duties of the daftaries in the Secretariat are not more arduous or of a kind requiring a higher standard of intelligence than those of A. H. Q. daftaries and that the latter are and have always been in receipt of the same rates of pay as the former ?

(c) Has it been accepted as a principle that the maximum pension for two *similar* classes of Government servants, employed at the same station, recruited from the same class of people, performing similar duties, and getting the *same* rates of pay, should be equal ? If not, what are the objections and exceptions ?

(d) Is it a fact that the present maximum pension of A. H. Q. daftaries is Rs. 10 only while that of Secretariat daftaries is Rs. 20 and that their rates of pay are equal ?

(e) Are the Government prepared to consider the question of the differential treatment ? If not, why ?

(f) Are the Government aware that there is a good deal of dissatisfaction among the A. H. Q. daftaries owing to this differentiation ?

(g) Do the Government propose to appoint a Committee of officers to inquire into the matter and submit a report to remove the grievance of the men concerned ?

**Mr. E. Burdon :** (a) No.

(b) Yes.

(c) Speaking generally the correctness of the principle stated by the Honourable Member is accepted.

(d) Yes.

(e) The Government do not regard it as unjust since the Secretariat appointments are regarded as having a higher status and more favourable conditions are for this reason attached to them.

(f) No.

(g) No.

**SUPERSESSION OF SENIOR I. M. S. INDIAN OFFICERS FOR ADMINISTRATIVE APPOINTMENTS.**

2328. **\*Dr. K. G. Lohokare :** (a) Is it a fact that the claims of a senior Indian Medical Service Indian officer are being superseded in selection to administrative appointments vacancies ?

(b) What are the principles guiding such selection ? Are they carefully followed in each case or in the case of Indian officers only ?

(c) Will Government please say if they give careful consideration to supersession cases especially in the case of Indian officers when they are to be superseded so as to leave no impression of unfairness ?

**Mr. E. Burdon :** (a) Yes.

(b) Appointments are given by seniority and merit and the same tests are applied in every case. In the instance which I had in mind in replying to part (a) of this question, the officer appointed was junior not only to one Indian officer but to several British officers also.

(c) Every case is considered with the same degree of care.

**Dr. K. G. Lohokare :** Is it a fact that several officers junior to this Indian officer have already been promoted ?

**Mr. E. Burdon :** I cannot say offhand. If the Honourable Member will put the question down I will have the matter examined and answer him.

**GRANT OF SUBSISTENCE ALLOWANCE TO MR. GIRDHARI LAL, SUB-RECORD CLERK, RAILWAY MAIL SERVICE, JULLUNDUR CITY.**

2329. **\*Lala Duni Chand :** With reference to the reply of the Government to unstarred question No. 257, put by Mr. Sadiq Hussain on 27th May 1924, will Government please state if the question of granting subsistence allowance to Mr. Girdhari Lal, Sub-Record Clerk, Railway Mail Service, Jullundhur City, has been decided by the Director General, Posts and Telegraphs, and if not, do Government propose to expedite the decision ?

**Mr. H. A. Sams :** Yes. Orders were issued by me on the 10th current.

**DELAY IN THE HOLDING OF ELECTIONS IN THE PUNJAB CANTONMENTS.**

2330. **\*Lala Duni Chand :** (a) Are the Government aware that elections in the Punjab Cantonments have not yet been held under the New Cantonment Act, 1924 ?

(b) Is it a fact that at the time of the coming into force of the Act on 1st May 1924, the Government of India issued a circular to the Provincial Governments requesting them to arrange elections within three months of the coming into force of the Act ?

(c) Are the Government aware that a deputation of the Punjab Cantoments waited upon His Excellency Sir Malcolm Hailey, Governor of the Punjab, on 30th June 1924 in connection with the speedy holding of elections in the Punjab and that His Excellency assured the deputation that every possible effort would be made to expedite the elections ?

(d) Is it a fact that in spite of this assurance nothing has been done so far by the Punjab Government in this matter and even the Election Rules have not yet been finally adopted ?

(e) Has the All-India Cantonments Association brought the above facts to the notice of the Secretary, Army Department, Government of India and requested him to urge upon the Punjab Government the great desirability of holding immediate elections ?

(f) Are the Government aware that in almost all the provinces elections have already been held and this fact has also accentuated the feeling of disappointment in the Punjab Cantonments at the present abnormal delay in the elections ?

(g) Do Government propose to take such steps as may ensure the holding of elections in the Punjab Cantonments with the least possible delay ?

**Mr. E. Burdon :** (a), (d), (f) and (g). I invite the Honourable Member's attention to the replies given on the 18th September 1924 to Haji Wajihuddin's starred questions Nos. 2199 and 2200.

(b) No. The attention of the Honourable Member is invited to the concluding portion of the reply given on the 9th June 1924 to Haji S. A. K. Jeelani's starred question No. 1411.

(c) The Government of India have been informed to this effect by the All-India Cantonments Association.

(e) Yes.

#### PILGRIMS TO THE HEDJAZ.

2331. \***Khan Bahadur W. M. Hussanally :** (a) How many pilgrims proceeded to the Hedjaz from British Ports in India during the last pilgrim season ?

(b) How many of them purchased return tickets ?

(c) How many of these died in the Hedjaz or how many return tickets were not availed of ?

(d) What was the total value of the return tickets not used ?

(e) Who is in possession of this money ?

(f) If in possession of the shipping companies, do Government purpose to acquire the same from them ?

(g) If so, to what use do Government purpose to put the money ?

N.B.—If any of the information, etc., etc., is not available will Government be pleased to obtain the same and lay it on the table.

**Mr. J. W. Bhore :** The Honourable Member is presumably referring to the pilgrim season of 1923 and the figures which I am giving are for that year. Figures for 1924 are not yet available since the return season is not yet over.

(a) 24,268.

(b) 694.

(c) Out of the 694 return-ticket holders 670 are reported to have returned from the Hedjaz. Of the remaining 24, 4 have been paid the refund value of the return halves of their tickets leaving 20 so far unaccounted for. No definite information can be given about these 20 pilgrims until two years have elapsed from the date of the issue of the tickets as the tickets are available for this period.

(d) and (e). The total value of the unused tickets is not known. The amount is presumably still in the possession of the Shipping Companies concerned.

(f) and (g). The Government of India do not propose to take any action for the present, but if after the expiry of the two years for which the tickets are valid, any portion of the money remains unclaimed, the suggestion made by the Select Committee on the Indian Merchant Shipping (Amendment) Bill that such money should be devoted to the welfare of pilgrims, will be considered.

**Mr. W. S. J. Willson :** May I ask the Honourable Member if my information that no return tickets were issued this season is incorrect ?

**Mr. J. W. Bhore :** I am afraid, Sir, I shall have to ask for notice of that question.

NAMES, DESIGNATIONS AND PAY OF GOVERNMENT OFFICERS RESIDING AT  
“ LONGWOOD ”.

**2332 \*Khan Bahadur W. M. Hussanally :** Will the Government please state the names, designations and pay of Government officers residing at “ Longwood ” together with the rent each pays ?

**The Honourable Mr. A. C. Chatterjee :** Government do not consider it necessary to lay a statement, which would be rather lengthy, on the table, but I shall be prepared to show the Honourable Member the list, giving the information he requires, if he will call at my office.

QUARTERS AT “ LONGWOOD ” IN THE OCCUPATION OF GOVERNMENT OFFICERS.

**2333. \*Khan Bahadur W. M. Hussanally :** (a) Will Government please state how many officers had to vacate their rooms or quarters at “ Longwood ” in the May-June and September sessions this year, to make room for Members of the Legislature ?

(b) Were these officers occupying the main building, the annexe, the New Block—Range or Cottages ?

**The Honourable Mr. A. C. Chatterjee :** May—June Session 1924 :

4 officers, namely, one living in cottages, and

3 in the New Block.

September Session 1924 :

4 officers, namely, one living in cottages, two in the New Block and one in the annexe.

CRAIG DHU, SIMLA.

**2334. \*Khan Bahadur W. M. Hussanally :** (a) Is Craig Dhu a Government building or a private concern ?

(b) If the former, is it also intended for Government officers exclusively ?

**The Honourable Mr. A. C. Chatterjee :** (a) Government property.

(b) Yes.

NET PERCENTAGE REALIZED DURING THE LAST THREE YEARS ON THE CAPITAL INVESTED IN " LONGWOOD ".

2335. \***Khan Bahadur W. M. Hussanally :** (a) What was the gross rental realized each year during the last 3 years from " Longwood " ?

(b) What was the total cost of maintenance each year during the same period including repairs, taxes and all other expenditure ?

(c) What was the nett percentage realized on the capital invested ?

**The Honourable Mr. A. C. Chatterjee :** A statement giving the information is laid on the table.

Year.				Rent realized.	Total cost of maintenance	Nett percentage realized.
				Rs.	Rs.	
1921-22	..	..	..	15,763	16,361	-0.09
1922-23	..	..	..	25,480	21,820	+0.5
1923-24	..	..	..	30,563	28,791	+0.26

HINDU, MUHAMMADAN, ANGLO-INDIAN, EUROPEAN AND PARSİ OFFICERS IN THE POSTS AND TELEGRAPHS DEPARTMENT DRAWING RS. 300 AND OVER.

2336. \***Khan Bahadur W. M. Hussanally :** (1) What is the total number of officers (a) in the Postal Department, (b) in the Telegraph Department in India, drawing a salary of Rs. 300 and above per mensem ?

(2) How many of them are Hindus, Muhammadans, Anglo-Indians, Europeans, Parsis and others ?

**The Honourable Mr. A. C. Chatterjee :** (1) (a) .. 295  
(b) .. .. 571

866

(2) Hindus .. .. 249  
Muhammadans .. .. 46  
Anglo-Indians .. .. 451  
Europeans .. .. 89  
Parsis .. .. 11  
Others .. .. 20

866

HINDU, MUHAMMADAN, ANGLO-INDIAN, EUROPEAN AND PARSİ SUPERINTENDENTS OF POST OFFICES.

2337. \***Khan Bahadur W. M. Hussanally** : (a) How many Superintendents of Post Offices (including R. M. S.) are there in India ?

(b) How many of them are Hindus, Muhammadans, Anglo-Indians, Europeans, Parsis and others ?

<b>The Honourable Mr. A. C. Chatterjee</b> :	(a)	..	180
(b) Hindus	..	..	78
Muhammadans	..	..	39
Anglo-Indians	..	..	49
Europeans	..	..	3
Parsis	..	..	5
Others (Burmans, Sikhs, etc.)	..	..	13

FLOODS IN SOUTHERN INDIA.

2338. \***Mr. A. Rangaswami Iyengar** : Will the Government be pleased to state :

- (i) whether they have received any and, if so, what reports from the Madras Government of the damage and distress caused by the recent flood disaster in the Madras Presidency and if so, whether they will lay the same on the table of this House ?
- (ii) whether they have received any particulars, detailed or approximate, of the actual extent of damage to roads, buildings, irrigation sources, cultivated and cultivable lands, private dwelling and huts and other property or resources public or private, caused thereby ?
- (iii) whether they have received any application from the Madras Government for special grants to meet the expenditure needed for reconstruction and relief work that has to be undertaken in the districts affected and if so, what action the Government propose to take thereon ?
- (iv) whether the Government will be prepared to afford facilities to the House on any official day with the permission of the Honourable the President of the Assembly, to convey its recommendations to the Governor General in Council in this behalf ?

**Mr. J. W. Bhore** : (i) and (ii). The attention of the Honourable Member is drawn to the reply given to part I of Haji S. A. K. Jeelani's question No. 1977 on the same subject.

(iii) The Madras Government have applied for a loan and the Government of India are prepared to grant it but not on the terms requested by the former. The whole matter is still under consideration.

(iv) I regret that no special facilities for discussion of the subject can be given.

DATE OF COMMENCEMENT OF THE WINTER SESSION OF THE ASSEMBLY IN 1925.

**Mr. Jamnadas M. Mehta** : I have given private notice of a question to the Honourable the Home Member.

**Mr. President :** I have received no notice from the Honourable Member that he wished to ask a question. If he will ask the question now I will see whether it is in order.

**Mr. Jamnadas M. Mehta :** Before asking the question Sir, I may be permitted to say that the question is being asked simply for the preservation of the rights of the Assembly and not out of any want of respect for or confidence in you. If I may be permitted to say so, Sir, I am one of those who believe that the Chair seems to be eminently fitted for you and you, Sir, for the Chair.

The question is :

Will Government be pleased to make a statement as to the time when the winter session of the Assembly for 1925 will begin ? Are Government aware that unless that session is commenced some time later than the 5th February 1925, the Assembly's right to elect its President will have been taken away for at least one session ?

**Mr. President :** The Honourable Member is perhaps not aware that this question was sent in and was disallowed on the ground that it solely concerned the Governor General.

I have invited Government, however, to say whether they would be in a position to make a statement both regarding the end of this session and the beginning of the next. The decision rests entirely with the discretion of His Excellency the Governor General.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### SCHEME FOR THE CENTRALISATION OF THE EAST INDIAN RAILWAY.

**419. Kumar Ganganand Sinha :** (a) Is it a fact that Mr. H. A. M. Hannay, had presented a scheme in connection with E. I. Railway expenditure ? If so, will the Government be pleased to lay a copy of the scheme on table ?

(b) Was it rejected by the Railway Board ?

(c) Is it a fact that the Railway Board has submitted a scheme for the centralisation of the Railway to the Secretary of State for India ? If so, will the Government be pleased to state (i) the nature of the scheme, (ii) whether or not any reply has been received from the Secretary of State for India and (iii) when the public is likely to be informed of the details of the scheme and (iv) if a new scheme of the Railway Administration is to be experimented, whether or not that scheme will be introduced after taking the consent of the Indian Legislature ?

**Mr. C. D. M. Hindley :** The Honourable Member is referred to the answer already given to his question No. 1659 during this session.

##### REDUCTION OF FARES ON THE EAST INDIAN RAILWAY.

**420. Kumar Ganganand Sinha :** Is it a fact that by way of reduction of railway fares on the E. I. Railway only the fares of first class to intermediate class have been reduced and nothing was done to reduce the third class fare ? If so, will the Government be pleased to say why ?

**Mr. C. D. M. Hindley :** The answer to the first part of the question is in the affirmative. Government have no doubt that the possibility of reducing third class fares was also considered by the Agent.

**RUNNING OF A THROUGH AND FAST TRAIN FROM HOWRAH TO BENARES CANTONMENT *via* THE LOOP LINE ON THE EAST INDIAN RAILWAY.**

**421. Kumar Ganganand Sinha :** (a) Are not the Government aware of the fact that the people (specially the passengers from the Loop District to Patna, the headquarters of the Province of Bihar and Orissa) are put to great inconvenience on account of the absence of a through and fast train from Howrah *via* the Loop up to Benares Cantonment ?

(b) Are Government not aware of the fact that both the Governors of Bihar (Their Excellencies Lord Sinha and Sir Henry Wheeler) gave assurances to the public that such a train would shortly run ?

(c) If the answers to parts (a) and (b) are in the affirmative, will the Government be pleased to say whether or not such a train will be started ? If so, when ? If the answers are in the negative, will the Government be pleased to state what steps they propose to take to remove the inconvenience of the public ?

(d) Is it a fact that the proposal of a fast train was abandoned because the line was not found in order ? If so, will the Government be pleased to state what steps are being taken to improve the Loop line ?

**Mr. C. D. M. Hindley :** (a) Government are not aware that inconvenience is caused by the fact mentioned. A census of passengers travelling by this line was recently taken and it showed that the existing train service was poorly patronised.

(b) Government have no information to this effect.

(c) Government understand that the volume of traffic offering does not warrant the running of a through fast train over this line, and in the circumstances Government do not propose to take any action.

(d) As stated in the reply to (c) the absence of a through fast train over this line is due to the want of sufficient traffic to justify its provision.

**IMPROVEMENTS ON THE LOOP LINE OF THE EAST INDIAN RAILWAY.**

**422 Kumar Ganganand Sinha :** Will the Government be pleased to state what improvements have been made in the Loop line of the E. I. Railway, since its establishment in 1858 ?

**Mr. C. D. M. Hindley :** It is not possible within the usual scope of a reply to a question of this kind to give any satisfactory or comprehensive idea of the improvements that have been effected in the Loop line of the East Indian Railway over a period extending to about 65 years.

**LACK OF INTERMEDIATE CLASS WAITING ACCOMMODATION ON THE EAST INDIAN RAILWAY.**

**423. Kumar Ganganand Sinha :** (a) Is it a fact that there is no intermediate class waiting shed even on the principal stations of the E. I. Railway ?

(b) Are not the Government aware of the fact that the absence of such sheds causes great hardship to the middle class men who generally travel with their families in the intermediate class ?



**Mr. C. D. M. Hindley :** (a) Government understand that intermediate class waiting accommodation is provided at certain stations on the East Indian Railway.

(b) Government are not aware of passengers being put to such inconvenience, but a copy of this question and answer will be forwarded to the Agent.

**ISSUE OF RETURN WEEK-END TICKETS ON THE EAST INDIAN RAILWAY.**

**424. Kumar Ganganand Sinha :** (a) Is it a fact that week-end tickets are issued only from Howrah to certain stations on the E. I. Railway, and no such tickets are issued from those places to Howrah ?

(b) If so, will the Government be pleased to say why ?

(c) Is there any possibility of the issuing of week-end tickets to Howrah from those places to which tickets are available from Howrah ?

**Mr. C. D. M. Hindley :** (a) Government understand that this is so,

(b) and (c). Government have no information. The object of such concessions of course is to attract traffic and that is probably the reason why the week-end tickets are issued only from Howrah. But a copy of the question and answer will be sent to the Agent.

**INCOME FOR THE LAST THREE YEARS FROM GOODS TRAFFIC (EXCLUDING COAL) ON THE EAST INDIAN RAILWAY.**

**425. Kumar Ganganand Sinha :** Will the Government be pleased to state the income from goods (excepting the income from the transport of coal) of each of the districts of the E. I. Railway for the last 3 years ?

**Mr. C. D. M. Hindley :** The earnings from goods traffic excluding coal, of the East Indian Railway system during the years 1921-22, 1922-23 and 1923-24 were Rs. 4,60,42,000, 5,42,65,000 and 5,56,91,000, respectively. Figures by separate districts are not readily available.

**INDIANISATION OF VARIOUS CLASSES OF APPOINTMENTS ON THE EAST INDIAN RAILWAY.**

**426. Kumar Ganganand Sinha :** Is it a fact that there is not a single Indian in the following services of the E. I. Railway :

- (a) District Inspector. (b) Travelling Ticket Inspector. (c) Luggage Inspector. (d) Detention Inspector. (e) Intermediate Class Hall Supervisor. (f) Platform Assistant. (g) Loco. Foreman. (h) Loco. Inspector. (i) P. W. Inspector. (j) District Carriage and Wagon Inspector. (k) Block Signal Inspector. (l) Signal Inspector. (m) District Superintendent. (n) District Engineer. (o) District Loco. Superintendent. (p) District Carriage and Wagon Superintendent. (q) Station Masters drawing over Rs. 200. (r) Assistant Station Masters drawing over Rs. 100 (except Cabin-Assistant). (s) Guards drawing over Rs. 100 ? If so, will the Government be pleased to state what measures, if any, are being taken to Indianise the railway services mentioned above ?

**Mr. C. D. M. Hindley :** Government have not got up to date information but inquiry is being made.

### MINIMUM PAY OF CLERKS ON THE EAST INDIAN RAILWAY.

**427. Kumar Ganganand Sinha :** (a) Is it a fact that in the E. I. Railway the minimum pay of the clerks is only Rs. 28 ?

(b) If so, how does it compare with the minimum pay of clerks in the various departments of the Government ?

(c) Is there any proposal for raising the minimum pay ? If not, why ?

**Mr. C. D. M. Hindley :** (a), (b) and (c). Government have not the information and cannot undertake to inquire or interfere in a matter of remuneration of the Company's clerical employees.

### AMALGAMATION OF THE TRAFFIC TRANSPORTATION AND COMMERCIAL DEPARTMENTS OF THE EAST INDIAN RAILWAY.

**428. Kumar Ganganand Sinha :** Will the Government be pleased to state whether or not the Railway Board has ever considered the question of the amalgamation of the Traffic Transportation and Commercial Departments of the E. I. Railway ? If so, will they be pleased to state what results it has arrived at ? If not, will it state the reason for the same and also if there is any possibility of their considering the matter in the future ?

**Mr. C. D. M. Hindley :** The Honourable Member is referred to the answer already given to his starred question No. 1659 during this session.

### RAILWAY COLLISIONS, ETC., DURING THE LAST TWELVE YEARS.

**429. Kumar Ganganand Sinha :** Will the Government be pleased to give the following figures year by year for the last 12 years :

- (a) Number of collisions of trains.
- (b) Number of derailments of trains.
- (c) Number of averted collisions.
- (d) Number of breaches of block rules.
- (e) The amount paid as claims and damages.

and state what measures are being taken by the authorities to reduce each of them and if no measures have been taken, why ?

**Mr. C. D. M. Hindley :** The attention of the Honourable Member is drawn to Appendix C. of Vol. II of the Report by the Railway Board on Indian Railways for 1923-24 which will be issued shortly and to the corresponding Appendices in the Administration Reports for previous years. All the available information will be found there

### CLAIMS PAID FOR GOODS LOST OR DAMAGED ON RAILWAYS.

**430. Kumar Ganganand Sinha :** Will the Government be pleased to give figures for the last 12 years of the amount paid as a claim for damages, loss, miscarriage of goods and state what steps are being taken by the authorities to reduce each of them and if no measures have been taken, why ?

**Mr. C. D. M. Hindley :** A statement giving the information asked for in the first part of the Honourable Member's question is laid on the table.

With regard to the second part of the question the Honourable Member is referred to the reply given in this Assembly on 3rd July 1923 to question No. 86.

*Statement of claims paid for goods lost or damaged on class I Railways (in thousands of rupees).*

Year.				Amount.	Year.				Amount.
				Rs.					Rs.
1912	..	..	..	21,67	1918-19	..	..	..	46,40
1913-14	..	..	..	26,07	1919-20	..	..	..	71,92
1914-15	..	..	..	23,21	1920-21	..	..	..	1,12,50
1915-16	..	..	..	14,51	1921-22	..	..	..	1,16,96
1916-17	..	..	..	18,15	1922-23	..	..	..	1,21,28
1917-18	..	..	..	23,25	1923-24	..	..	..	79,10

NUMBER OF PERMANENT EMPLOYEES RETRENCHED IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

431. **Mr. Abdul Haye** : (1) Will Government be pleased to state the number of such permanent hands in the Government of India and attached offices whose services have been dispensed with under the recommendations of the Inchcape Committee ?

(2) How many of such persons have been permanently provided for by Government elsewhere ?

(3) Is it a fact that in certain cases preference was not given to such men but outsiders were taken into service ?

(4) Will Government please state if they are prepared to provide at an early date for such men who have not been given any pension or gratuity and whose services have been terminated on account of the recommendations of the Inchcape Committee ?

**The Honourable Sir Alexander Muddiman** : (1) and (2). The Honourable Member is referred to the reply given to Lala Duni Chand's question on the same subject on the 19th September 1924.

(3) No, except in the case of the five men, belonging to the Finger Print Bureau (whom it has not been found possible to place in permanent posts owing to their lack of qualifications).

(4) The position has been explained above. But if the Honourable Member knows of any other cases and will give me the facts I will have them examined.

INDIAN MAIL AND PASSENGER ENGINE DRIVERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

432. **Mr. C. S. Ranga Iyer** : Is it a fact that in the B. N. W. Ry. no Indian is allowed to drive mail trains or even passenger trains on main lines ?

**Mr. C. D. M. Hindley** : Government have no information and must necessarily leave discretion in such matters to the Company who are responsible for the safety and efficiency of their service.

SCALES OF PAY OF ANGLO-INDIAN AND INDIAN APPRENTICES, IN THE BENGAL NAGPUR RAILWAY WORKSHOPS.

433. **Mr. C. S. Ranga Iyer** : Is there a difference in the scale of pay in the B. N. Railway of Anglo-Indian and Indian apprentices in the workshops ?

**Mr. C. D. M. Hindley** : The reply is in the affirmative.

**RACIAL DISCRIMINATION IN THE MATTER OF PAY OF ANGLO-INDIAN AND INDIAN APPRENTICES, ETC., ON THE BENGAL NAGPUR RAILWAY.**

**434. Mr. C. S. Ranga Iyer :** (a) Is the following tabular statement indicating the racial differences correct ? If yes, will the Government take steps to put an end to them ?

*Scale of pay for bound apprentice course in Railway workshops.*

European or Anglo-Indian		A Grade. B. Grade.	
		Indian.	
Rs.		Rs.	Rs.
33 per mensem ..	I Year ..	20 per mensem ..	11 per mensem.
40 " ..	II " ..	22 " ..	12 "
45 " ..	III " ..	25 " ..	14 "
52 " ..	IV " ..	29 " ..	17 "
65 " ..	V " ..	33 " ..	20 "
120 " ..	Initial rate of pay on completion of the apprentice course.	45 " ..	Rs. 1 P. D.

(b) Are there similar differences in the scales of pay of the training examining staff ? Will the Government be pleased to state the yearly minimum salary for the Europeans of the training examining staff and also of the Indians ? Also the maximum ?

**Mr. C. D. M. Hindley :** The Honourable Member has not stated to which particular railway he refers. If, however, as in the case of his previous question, he refers to the Bengal Nagpur Railway, the answers to his questions are :

(a) Yes, in so far as it relates to European and Anglo-Indian and Indian 'A' grade apprentices. As regards 'B' grade apprentices no information is available.

Under the terms of the Company's contract Government have no power to interfere directly in matters of this nature in case of Company's staff, but the desirability of removing discrimination of this type has been impressed upon them and it is hoped it will be gradually eliminated.

(b) It is presumed the Honourable Member refers to train examining staff. If so, the rates of pay are :

	Rs.
Chief Train Examiners .. ..	350—400
Train Examiners, European and Anglo-Indian	160—300
Train Examiners, Indian (Special) ..	280

**SCALES OF PAY OF EUROPEAN AND INDIAN LOCO. RUNNING STAFF ON THE BENGAL NAGPUR RAILWAY.**

**435. Mr. C. S. Ranga Iyer :** (a) Are there differences in the scales of pay and the annual grade increases between the Europeans and the Indians in the Loco. running staff ? Do the Government propose to take immediate steps to remove them ?

(b) Were the grades of the European running staff revised thrice since November 1919 in B. N. Railway whereas the last revision was not extended to the Indian running staff ?

**Mr. C. D. M. Hindley :** (a) The Honourable Member's attention is invited to the answer given to question No. 1308 on the 6th June last in this House. The rules relating to pay, leave, etc., are being revised on State Railways with the object of removing racial discrimination, and when particular instances are brought to my notice, the matter is at once taken up. The same policy has been impressed on Company Railways and it is hoped that discrimination of this kind will gradually be eliminated.

(b) Government have no information about the particular points raised in the question but will inquire.

#### LEAVE RULES OF EUROPEAN AND INDIAN EMPLOYEES OF THE BENGAL NAGPUR RAILWAY.

**436. Mr. C. S. Ranga Iyer :** Is it a fact that the B. N. Railway leave rules clearly lay down that only urgent private affairs leave with pay for 1 month in a year cumulative up to 4 months and sick leave on  $\frac{1}{2}$  pay up to 2 months in a year for duly certified sickness can be granted to the Indians and that casual leave is denied to them whereas the European staff are allowed the following kinds of leave :

- (1) Privilege leave at 1 month for 11 months' service. Cumulative up to 4 months.
- (2) Sick leave on full pay up to 2 months in a year.
- (3) Sick leave on  $\frac{1}{2}$  pay up to 2 months in a year.
- (4) Casual leave up to 14 days in a year.
- (5) Furlough up to 18 months on half pay or up to 4 months on full pay at a time after first 7 years' service to the extent of  $\frac{1}{2}$  active service or both full and half pay or combined with privilege leave.
- (6) Special leave on urgent private affairs on  $\frac{1}{2}$  pay up to an extent of 6 months.

**Mr. C. D. M. Hindley :** The Honourable Member is referred to the reply given to his previous question No. 435. The Government have not the information asked for in this question but will inquire.

#### PARTIALITY SHOWN TO ANGLO-INDIAN EMPLOYEES OF THE BENGAL NAGPUR RAILWAY IN CASES OF LEAVE PREPARATORY TO RETIREMENT.

**437. Mr. C. S. Ranga Iyer :** Is it a fact that a kind of partiality on racial grounds is also shewn to Indian and Anglo-Indian staff in cases of leave preparatory to retirement as illustrated below :

	Europeans.	Non-Europeans.
Between 21 and 25 years service.	Combined leave up to 12 months (leave on full pay to the extent due up to a limit of 4 months and the remaining on half pay).	Combined leave up to 9 months.
Over 26 years service	Combined leave up to 18 months.	Combined leave up to 12 months.

**Mr. C. D. M. Hindley :** The Honourable Member is referred to the reply given to his previous question No. 435.

**GRANT OF SUNDAY AND HOLIDAY PAY TO THE WORKSHOP STAFF OF THE BENGAL NAGPUR RAILWAY.**

438. **Mr. C. S. Ranga Iyer :** Is it a fact that on the B. N. Railway the workshop staff do not get pay even for public holidays and Sundays when the shops are compulsorily closed against them, but on almost all the important Railways in India there is a system whereby daily rated workshop employees do get pay for at least 15 holidays in a year ?

**Mr. C. D. M. Hindley :** The reply is in the affirmative. Companies have discretion to settle such matters in respect of their own staff, but the attention of the Agent will be drawn to the practice of other railways in this matter.

**LEAVE ALLOWED TO DAILY RATED STAFF ON INDIAN RAILWAYS.**

439. **Mr. C. S. Ranga Iyer :** Will the Government be pleased to state the particulars of leave with pay or holidays with pay to daily rated workshop staff on the Indian Railways ?

**Mr. C. D. M. Hindley :** According to the latest information available the leave allowed to daily rated staff was as below :

Madras Railway	}	16 days
B. B. & C. I. Railway		
G. I. P. Railway		
O. & R. Railway		
S. I. Railway	..	22 days
B. N. Railway	..	no leave
N. W. Railway	..	17 days
E. B. Railway	..	20 days
E. I. Railway (Loco.)	..	15 days to those in receipt of Rs. 20 and upwards and who are members of the Provident Fund.
E. I. Railway (C. & W.)		13 days.

**RETRENCHMENT OF INDIANS IN THE LOCO. DEPARTMENT OF RAILWAYS.**

440. **Mr. C. S. Ranga Iyer :** Will the Government be pleased to state the number of Indians in the Loco. Department who were brought under retrenchment ? How many years had they put in as service ? Is it a fact that many of them were not given gratuity ?

**Mr. C. D. M. Hindley :** Government have not the information but are making inquiry so far as State Lines are concerned.

**RETRENCHMENTS ON CERTAIN SPECIFIED RAILWAYS.**

441. **Mr. C. S. Ranga Iyer :** Will the Government be pleased to state the services of how many men have been dispensed with under retrenchment in (a) O. and R. Railway. (b) B. N. Railway. (c) S. I. Railway.

(d) M. and S. M. Railway. (e) E. I. Railway. (f) R. and K. Railway ?

**Mr. C. D. M. Hindley :** A statement is placed on the table showing the number of subordinate staff employed on these railways on the 1st April 1924 as compared with 1st November 1922 :

*Statement showing the number of subordinate staff employed on certain railways on the 1st April 1924 as compared with the 1st November 1922.*

	O & R RAILWAY.		B. N. RAILWAY.		S. Y. RAILWAY.		M & S M. RAILWAY.		E. I. RAILWAY.		R. & K. RAILWAY.	
	1st Nov. 1922	1st April 1924	1st Nov. 1922	1st April 1924.	1st Nov. 1922	1st April 1924	1st Nov. 1922.	1st April 1924.	1st Nov. 1922.	1st April 1924.	1st Nov. 1922.	1st April 1924.

(a) Subordinates drawing Rs. 250 p. m. and over or on scales of pay rising to Rs. 250 p. m. and over.

Europeans ..	89	47	376	292	64	60	86	84	861	857	8	9
Anglo-Indians ..	97	108	363	314	155	146	124	161	618	675	11	9
Indians ..	70	86	105	133	69	69	30	32	190	197	3	5
Total ..	256	241	844	739	288	284	240	276	1,669	1,729	22	23

(b) Subordinates drawing less than Rs. 250 p. m. and on scales of pay not rising to Rs. 250 p. m.

Europeans ..	109	98	162	264	46	*	65	82	446	439	2	2
Anglo-Indians ..	261	230	771	913	1,111	*	1,892	1,967	1,151	956	22	11
Indians ..	29,200	28,601	57,202	60,242	31,121	*	47,821	46,361	107,433	107,033	5,320	5,442
Total ..	29,570	28,929	58,135	61,419	32,278	*	49,778	48,310	109,030	108,428	5,344	5,455

\* Information not at present available.

#### PASSENGER SUPERINTENDENTS ON RAILWAYS.

442. **Seth Govind Das :** Will the Government be pleased to state how many passenger Superintendents have been employed on different Railways and to what extent has the over-crowding of the third class passengers been reduced and their comfort been increased through their efforts ?

**Mr. C. D. M. Hindley :** The Honourable Member is referred to the answer given to items (b) and (c) of question No. 1651 asked by Mr. Jamnadas M. Mehta in this Assembly of the 8th September 1924.

#### PROVISION OF WAITING ROOMS FOR THIRD CLASS LADY PASSENGERS AT RAILWAY STATIONS.

443. **Seth Govind Das :** Has the attention of the Government been drawn to the great inconvenience felt by third class lady passengers at railway stations for want of separate waiting-rooms for them and if so whether they will arrange to provide separate waiting-rooms for third class lady passengers at all principal stations ?

**Mr. C. D. M. Hindley :** Government understand that separate accommodation in waiting sheds for third class lady passengers is provided where necessary. In this connection the Honourable Member is referred to the reply given in this Assembly, on 12th February 1923 to question No. 340.

#### PROVISION OF INDIAN DINING CARS ON RAILWAY.

444. **Seth Govind Das :** Has the attention of the Government been drawn to the experiment undertaken by the G. I. P. Railway, in running

a dining car for Indian passengers of all classes from Bombay to Delhi and back on express trains ? If so, are the Government prepared to undertake to run Indian dining cars on other Railways also ?

**Mr. C. D. M. Hindley :** Government are aware that the Great Indian Peninsula Railway have provided refreshment compartments for Indian passengers on certain trains.

With regard to the second part of the question the Honourable Member is referred to the reply given in this Assembly to his question No. 268 on 27th May, 1924.

#### VALUE OF STORES PURCHASED BY RAILWAYS DURING THE LAST FIVE YEARS.

445. **Seth Govind Das :** Will the Government be pleased to state the money value and nature of Railway materials purchased :

(a) In India,

(b) In England,

and

(c) In other countries during the last five years ?

**Mr. C. D. M. Hindley :** The Honourable Member is referred to the Appendices in the Administration Reports on Indian Railways for the last five years, the last of which is in press and will be issued shortly. He will find in the Appendix, headed " Value of Stores Purchased by the Principal Railways during the year ", information almost identical with what he requires.

It is regretted that Government are not in possession of information to enable the figures for (b) and (c) to be shown separately, and the preparation of such statistics would involve the expenditure of more time and labour than can be justified.

#### PURCHASE OF RAILWAY MATERIALS IN INDIA.

446. **Seth Govind Das :** Will the Government be pleased to state what steps have been taken to secure more and more railway materials in India from Indian manufacturers ?

**Mr. C. D. M. Hindley :** The new rules for the supply of articles for the public service have been drawn up with the intention of encouraging the purchase of locally manufactured articles, compatible with considerations of price and quality. Copies of these rules were forwarded in May last to the Agents of the principal railways, impressing on them the importance of adhering to the policy laid down in the rules, and the Railway Board have no doubt that the policy will be given full effect to on those railways.

Copies of all English indents, prepared by State-worked railways, are scrutinized by the Indian Stores Department, who advise the railways concerned regarding any articles included therein which are manufactured in India and can suitably be purchased locally.

#### ENCOURAGEMENT OF INDIGENOUS INDUSTRIES BY THE OFFER OF PREFERENTIAL RATES ON RAILWAYS.

447. **Seth Govind Das :** Will the Government be pleased to state what steps have been taken by the Government to encourage indigenous



industries in India by offering them preferential freight rates on Indian railways ?

**Mr. C. D. M. Hindley :** Special low rates, which the Honourable Member will find in the published tariffs of railways, are quoted for the raw materials and finished products of various Indian industries on different railways. The Railway Board have already impressed upon Railway Administrations the desirability of fostering local industries by the quotation of favourable rates for the carriage of raw materials required in manufacture, and of the finished product.

#### OPENING OF THE NAGPUR-KAZIPET RAILWAY.

448. **Seth Govind Das :** Will the Government be pleased to state, now that the Itarsi-Nagpur line is open to traffic, when the Nagpur-Kazipet line will be open to traffic, providing a through communication from Delhi to Madras *via* Nagpur and Kazipet ?

**Mr. C. D. M. Hindley :** There is a slight inaccuracy in the Honourable Member's question as the Itarsi-Nagpur line is not yet opened throughout ; the last portion between Narkher and Amla will, however, be opened next month.

As regards the Nagpur-Kazipet line, the portion between Nagpur and Belharshah has been open for many years. The remainder of the line from Belharshah to Kazipet lies within an Indian State and its construction by that State has been sanctioned. It is understood that no work has yet been started between Belharshah and Goliara which is situated just south of the Godawari River : this length is about 85 miles. Of the remaining length, namely, 65 miles approximately, between Goliara and Kazipet, the southern portion from Ramgundum to Kazipet, 58 miles, has been already opened, and the remaining 7 miles between Goliara and Ramgundum is expected to be opened next month. Government are unable to say at present when the whole line from Belharshah to Kazipet will be opened throughout.

#### PROPOSED RAIPUR-WALTAIR RAILWAY.

449. **Seth Govind Das .** Will the Government be pleased to state whether the construction of the proposed Raipur-Waltair line connecting the eastern part of the Central Provinces with a nearer harbour, has begun ? If not, what steps have been taken in this matter ?

**Mr. C. D. M. Hindley :** The Honourable Member is evidently alluding to the Raipur-Vizianagram project, the position with regard to which is as follows :

- (a) Work was commenced in 1906 on the first section, Vizianagram to Parvatipur, 48.70 miles long, and this section was opened for public traffic in April 1909.
- (b) Work on the further section from Parvatipur to Singapur Road (37 miles) was commenced in 1911, but had to be closed down for lack of funds.
- (c) The question of proceeding with the rest of the project (Parvatipur to Raipur) has recently been revived, and is now engaging the attention of Government.

## STRATEGIC RAILWAY FROM PESHAWAR TO THE AFGHAN FRONTIER.

450. **Seth Govind Das** : Will the Government be pleased to state whether the proposed strategic railway from Peshawar to the Afghan frontier has been completed ? If so, what has been

- (a) its total cost, and
- (b) the cost per mile.

**Mr. C. D. M. Hindley** : The answer to the first part of the question is in the negative. It is anticipated that the line will be opened about 12 months hence. The latest figures of probable cost which have just been received and are under examination show that the total cost is likely to amount to about Rs. 253 lakhs or Rs. 9,12,000 per mile.

## RAILWAY CONNECTION BETWEEN INDIA AND BURMA.

451. **Seth Govind Das** : Will the Government be pleased to state what steps have been taken by them to connect India and Burma by rail ?

**Mr. C. D. M. Hindley** : Two alternative routes for a railway connection between India and Burma have been surveyed, namely, one from Chittagong *via* Akyab to Minhla and the other from Ledo to Sahmaw. As neither of these routes has been found, on an examination of the survey results, to be remunerative, the project for linking India with Burma by rail has been held in abeyance.

## INDIANISATION OF THE SUPERIOR SERVICES ON STATE-MANAGED RAILWAYS AND IN THE POSTS AND TELEGRAPHS DEPARTMENT.

452. **Seth Govind Das** : Will the Government be pleased to state what steps have been taken by them to Indianise the superior services in—

- (a) The State managed Railways, particularly in the Traffic and Engineering departments.
- (b) In the Postal and Telegraph departments during the last two years ?

**Mr. C. D. M. Hindley** : (a) The Honourable Member is referred to the reply given to Mr. Hussanally to a similar question on the 4th June last. Government have no later figures than those given. A comprehensive scheme for recruiting and training Indians in all branches of railway service is now under consideration.

(b) So far as the superior Postal Service and the superior Traffic Branch of the Telegraph Department are concerned, all appointments with the exception of five appointments of Postmasters-General reserved for the I. C. S., have for many years been filled by the promotion of senior qualified officers in the lower grades of the Department. In the ordinary course therefore, Indians are selected for these appointments and no special steps are considered necessary.

So far as the Telegraph Engineering and Wireless branches are concerned, it is already the policy of Government to recruit Indians for direct appointments in India, in accordance with the recommendations of the Islington Commission. The question of increasing the percentage of recruitment in India is now under consideration in connection with the Lee Commission's Report.

## INDIAN DELEGATES TO THE LEAGUE OF NATIONS.

**453. Seth Govind Das :** Will the Government be pleased to state whether they propose to consult the Assembly while selecting Indian delegates to the League of Nations ?

**Sir Henry Moncrieff Smith :** The Honourable Member is referred to the reply given to question No. 1778 asked by Khan Bahadur Sarfaraz Hussain Khan, on the 11th September, 1924.

## INDIAN OFFICERS IN THE ARTILLERY.

**454. Seth Govind Das :** Will the Government be pleased to state the number of Indian officers in the artillery divisions of the Indian Army, and if there are none, whether any early steps will be taken to recruit to train Indian officers for the artillery branch of the Indian Army ?

**Mr. E. Burdon :** The number of Indian officers with the Viceroy's commission serving with artillery units in India is 201. There are no Indian officers with the King's commission serving with such units.

## CONVERSION OF THE ROYAL INDIAN MARINE INTO AN INDIAN NAVY.

**455. Seth Govind Das :** (a) Will the Government be pleased to state what the present effective strength of the Royal Indian Marine is, and whether any efforts have been made to Indianise that force by recruiting and training Indians as Deck or Executive officers in the Royal Indian Marine ?

(b) Will the Government be pleased to state whether any steps will be taken in the near future to convert the Royal Indian Marine into an Indian Navy as a purely combatant force, in view of the serious difficulties experienced by India during the early part of the late war ? If not, why not ?

**Mr. E. Burdon :** (a) Approximately the present strength of the Royal Indian Marine is as follows :

Commissioned Officers	..	..	145
Warrant Officers	..	..	34
Ratings	..	..	1265

As regards the latter part, the question of the measures to be adopted for the recruiting and training of Indians for the commissioned ranks of the Royal Indian Marine was examined by the Indian Mercantile Marine Committee whose report is at present under the consideration of the Government of India.

(b) Proposals for the reorganisation of the Royal Indian Marine on a combatant basis are, at present, under consideration.

## NOMINATIONS FOR THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

**The Honourable Sir Charles Innes (Commerce Member) :** With your permission, Sir, I beg to make the following motion :

"That this Assembly do proceed to the election in such manner as may be approved by the Honourable the President of a Standing Finance Committee of the Assembly for Railways not exceeding eleven in number to which should be added one Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

The motion was adopted.

**Mr. President :** The office of the Assembly will be open to receive nominations up to twelve noon to-morrow and the election to this Committee will take place in the Chamber at the beginning of business on Wednesday, the 24th, by the usual method, namely, the single transferable vote.

**RESOLUTION *RE* SUSPENSION OF THE TAXATION INQUIRY COMMITTEE AND SUBSTITUTION OF AN ECONOMIC INQUIRY COMMITTEE—*concl'd.***

**Mr. President :** The House will now resume debate upon the Resolution moved by Mr. K. Rama Aiyangar :

“ This Assembly recommends to the Governor General in Council that he be pleased to suspend the Taxation Inquiry Committee and to appoint a Committee in its place for a close inquiry into the general conditions of economic life and labour in reference to the resources of the country and an estimate of the national income.”

Since which an amendment has been moved to substitute the following for the original Resolution :

“ This Assembly recommends to the Governor General in Council that he be pleased immediately to dissolve the present Taxation Inquiry Committee and instead thereof to institute a thorough inquiry into the economic condition of the various classes of the people of India, their income per head, their capacity to bear the existing burden of taxation, and the general resources of the country, through a representative Committee, at least two-thirds of which shall be elected by the Indian Legislative Assembly.”

Since which a further amendment has been moved :

“ After the words ‘ resources of the country ’ to insert the words ‘ and an investigation into the defects of the prevailing system of Land Revenue Assessment ’.”

**The Honourable Mr. A. C. Chatterjee** (Industries Member) : Sir, I followed the debate that took place on Thursday last on the amendments and the Resolution that are now before this House with very great interest, and if I may say so, with considerable perplexity. My interest was aroused because I found successive speakers referring to the economic condition in which the masses of the people of this country live in their villages and in the various urban areas and industrial centres. Sir, until seven or eight years ago it was my good fortune both by reason of my official duties and on account of my personal predilections to spend more than two hundred days in the year in the villages, trudging the ploughed fields, talking to the villagers in their homes or in the Dalan, in the Chawpal or by the village well. I had to mix not only with the agriculturists but with the landless labourers, with the handicraftsmen, with the village artisans. In this House I think I can safely say that no one who has mixed with these people can but have an abiding affection for our toiling masses. We cannot help rejoicing with them when a bounteous rainfall assures a plentiful harvest ; nor can we help sharing their pain and anxiety when the fields lie fallow under a scorching drought, or when plague or pestilence stalks through the land. Those who believe with me that political advancement is neither worth having nor will it be had without a corresponding economic progress of our masses cannot but welcome a serious discussion of the economic condition of the people by the representatives of the people in this House. But, I was perplexed by the trend of the debate that took place last Thursday because I found that it was developing into an acrimonious discussion as to whether the people were better off or worse off than

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they were at some imaginary and undetermined date in the past. Sir, I do not wish to be misunderstood. I do not deprecate comparative studies. If I may confess my own personal tastes to this House, I may say that my greatest interest in any studies outside my work is in the study of the social and economic conditions of this country in previous centuries. Indeed, it used to be for a long time my ambition that I might participate in the labours of the scholars who are now working both in this country and abroad at studying the facts appertaining to this fascinating subject, the social and economic conditions of India in previous centuries, and I do hope, Sir, that this rising band of historians and economists who are working in this field will receive very large reinforcements from our students in the universities, and that they will receive all necessary encouragement from the universities and where possible from the State. I also hope, Sir, that these scholars will receive munificent endowments for their researches from territorial magnates like my friend over there, Mr. Goswami, or from commercial magnates like my friend, Sir Purshotamdas Thakurdas, both of whom have evinced such keen interest in this question. But, Sir, we are not dealing with the past at the present moment. Our concern is with the present. Although we might derive most valuable lessons from a study of the past, I would earnestly advise this House to leave the study of the past to historians and economists in the seclusion of their studies or in their research libraries. I wish this House not to treat itself as a historical society but as a national Parliament which has to consider the present condition of the masses and to concert measures for their improvement.

Sir, there are two questions before the House. The first question is whether the Taxation Inquiry Committee which has been initiated by Government should proceed with their labours. The second question is whether there should be a general inquiry into the economic condition of the agricultural and labouring classes in this country.

So far as I am concerned, I can find no conflict at all between these two proposals and therefore I could not understand why speaker after speaker felt it his duty to deprecate one inquiry if he wanted to encourage the other. I confess that I have the very greatest sympathy with the proposal for a general economic inquiry into the condition of our masses, but as I have said already, my own view is that this inquiry should be made not in order to find out whether the people are better off or worse off than they were in previous centuries or even 50 years ago but this inquiry should be with the object of finding out their present condition and in order to discuss methods for their improvement. Sir, nobody disputes the poverty of the great masses of our fellow-countrymen, their low standard of living, their poor physique, their lack of stamina, their retarded intelligence. But we have to study whether these conditions have been caused by social circumstances, by the climate, by all the other factors that constitute their environment. We have also to study to what extent these conditions can be improved by social efforts and to what extent and to what degree administrative action or legislative action is necessary. Sir, I am an optimist like my friends opposite, the members of the Swaraj Party. I do believe that these conditions can be remedied. In my own experience I have seen the inhabitants of our villages, some of them miserable specimens of humanity, escaping from

the most depressing environment of their own villages, from circumstances in which their physique was stunted, their intelligence was stunted, their mental freedom was stunted. They have escaped from these conditions into better environments and they have developed into citizens of whom any country might be proud. Sir, I believe that improvement is possible but I also realise the very great difficulties that lie ahead. I do believe, as I have said, in a serious, continuous and co-ordinated study of the condition of our fellow-citizens in the country ; but I also realise that in order that this study might be of any value it has to be spread out over a large number of years. I do not believe that it can be concluded even in a few years as my Honourable friend, Sir Sivaswamy Aiyer, seemed to think. I also believe along with my Honourable friend, Mr. Calvert, that for the purposes of such an inquiry you need not only Government officials but you want a whole army of trained expert investigators. For an inquiry of this sort you will need to study not merely the village records, records which are kept with meticulous accuracy in some of our Provinces—for instance, in the Province with which I am most acquainted, the United Provinces ; you will need to study the records of our growing co-operative societies, you will need to study all possible available records and you will want an army of investigators. As I have said it will take a long time. Those of us who have made any attempt to study the land revenue history of Northern India during the last 50 or 100 years are familiar with the settlement reports that used to be compiled by the officers entrusted with the settlement of land revenue in Provinces like the United Provinces and the Punjab in the seventies and the eighties of the last century. Those settlements were conducted in a leisurely fashion. The officers entrusted with the settlements had ample time and also ample staff. Their settlement reports are a mine of information to all students and even those records do not satisfy all the requirements that modern standards and modern needs prompt us to collect.

I think, Sir, I have said enough to indicate that a general economic inquiry will take a long time and will require not only the help of Provincial Governments but also of a very large army of investigators. I thought, Sir, from the speeches that I heard on the last occasion that there was an impression among Honourable Members of this House that the Government of India were opposed to such an inquiry. I have yet failed to understand why there should be any such impression. I think I have said enough to indicate that the Government of India are not opposed to any such inquiry. As my Honourable friend the Finance Member indicated the other day, the Government accepted a Resolution on this subject in the Council of State in February last and Government have been in consultation with Provincial Governments on this subject since then. As he stated, we have not yet received replies from all Local Governments and I do not wish to prejudge or even to forecast what the final decision of the Government of India will be. All I can say is that in my own personal view an inquiry of that description will require a very large number of investigators, will have to last over a very long time to yield any really valuable results and cannot be undertaken without the co-operation both of the Provincial Governments and of many non-official associations and individuals. Therefore, Sir, I wish that this House should not come to a hasty conclusion in this matter. I think I have indicated that we desire that there should be a full inquiry

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but the results of the inquiry would be valueless if we did not have a really good inquiry. I think there will be plenty of opportunities before any final decision is come to on this particular subject of a general economic inquiry,—I think there will be plenty of opportunities for further discussion on this subject both in this House and in the provincial Legislative Councils because, as I have already said, I agree with the Honourable Mr. Calvert in thinking that the Provinces also are vitally interested in such an inquiry.

Now, Sir, I come to the other subject, the original motion that was before the House, namely, whether the taxation inquiry should proceed. Here also I could not understand why Honourable Members of this House proceeded on the assumption—an assumption which so far as I can judge is entirely unwarranted by the facts of the case—that the underlying object of this taxation inquiry is to increase the burden of taxation on the people of India. I can find no such statement in the terms of reference which were published during my absence from this country but which I have studied with very great care. What are the terms of reference? With your permission, Sir, I should like to read them over again to the House. Paragraph 5 of the Government Resolution runs as follows :

“ The following are the terms of reference to the Committee :

- (1) To examine the manner in which the burden of taxation is distributed between the different classes of the population ;
- (2) To consider whether the whole scheme of taxation, central, provincial and local, is equitable and in accordance with economic principles and if not in what respects it is defective.”

I should like Members of this House to consider these two terms of reference without any prejudice and with an entirely open mind. Personally I should have thought that most Members of this House—Members who have sympathy with the poverty-stricken agriculturist, with the poorly paid day labourer, with the badly-housed and poorly paid town labourer—I believe there are many such Members in this House who have sympathy with these classes—I should have thought that they would welcome this inquiry into the incidence of the taxation on different classes of the population in this country. I should have thought that they would be only too pleased to have it ascertained whether the existing taxation bears hardly on any particular classes of the people and if so whether the incidence could not be moved from those classes to other classes better able to bear such taxes. Personally, Sir, I should have thought that they would welcome also the second term of reference, which includes a study as to whether the scheme of taxation is equitable and in accordance with economic principles.

Now, what is the third point of reference? “ To report on the suitability of alternative sources of taxation.” On the last occasion we heard an impassioned speech from my young friend, the Honourable Mr. Chaman Lall, who advocated what is known as the single tax, the taxation of land values. We also heard another impassioned speech from my Honourable friend, Sardar Gulab Singh. He advocated on the other hand quite the opposite panacea, the permanent settlement of land revenue in all provinces of India. I should have thought that both my Honourable friends would welcome an inquiry into the suitability of these alternative sources of taxation.

Then, Sir, the fourth term of reference is :

“To advise as to the machinery required for the imposition, assessment and collection of taxes, old and new.”

I cannot conceive of any opposition to this term of reference. From the interpellations that I listen to from day to day in this House it has always seemed to me that there is considerable dissatisfaction amongst at least a certain section of Members with the manner in which two of our principal taxes, the customs duties and the income-tax, are collected. Then, why should you object to an inquiry with regard to the machinery required for the imposition and assessment and collection of these taxes ?.....

**Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna : Non-Muhammadan Rural) : May I ask the Honourable Member what is the exact significance of these words “ old and new ” ? Does it presuppose new forms of taxation ?

**The Honourable Mr. A. C. Chatterjee** : I take it that the word “ new ” refers to the alternative sources of taxation ; for instance, if my Honourable friend, Mr. Chaman Lal's theory is accepted and we want to tax land values, surely if the Committee advises it, it should also advise with regard to the machinery required for the imposition, assessment and collection of such taxes....

**Mr. C. Duraiswami Aiyangar** (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : May I ask what the word “ and ” means there ? That new taxes will be tacked on to old taxes ?

**The Honourable Mr. A. C. Chatterjee** : I do not think that these terms of reference can be construed in the same way as a legislative enactment. I do not think there is really much difference between “ and ” and “ or ” in a paragraph in a Government Resolution that is drafted by a man who is not an expert draftsman....

**Dr. H. S. Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : May I, Sir, inquire whether the Honourable Member perceives any difference between standardising the present rate of taxation and the reduction of taxation after the economic inquiry ?

**Mr. President** : These are argumentative questions which ought to form part of a speech ; they do not make appropriate interruptions.

**The Honourable Mr. A. C. Chatterjee** : With reference to the question which Mr. Duraiswami Aiyangar put a little while ago, I should like to refer him to the opening sentence of paragraph 2 of the Government Resolution. It is said there distinctly that the motive for the appointment of the Committee is not the need for meeting additional expenditure or any intention to increase the total amount raised by taxation in India. I beg of Honourable Members of this House to study these terms of reference and the language of the Government Resolution carefully, not as a legislative enactment but as expressing the views in very rough and very tentative language of Government.

Sir, I have said enough to indicate that there is really no difference of opinion at least between those who want an inquiry into the present schemes of taxation in this country and those who want a general economic inquiry. I think, as has been already indicated in the Government Resolution, the taxation inquiry will provide a good deal of material, indirectly no doubt, which will enable us to decide what



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would be the best lines for a general economic inquiry if one is initiated. It would help us very greatly in determining the scope and the method of such inquiry. I think I have indicated that there is no reason whatever for opposing the taxation inquiry simply because we want a general economic inquiry. I therefore earnestly ask all Members of this House to ponder over the question carefully and I hope that both the Honourable Mover of the Resolution and the Mover of the amendment will withdraw their motions.

**Mr. Narain Dass** (Agra Division : Non-Muhammadan Rural) : Sir, I would like to add a few words to the amendment moved by Sardar Gulab Singh. Before doing so, I would like to submit, Sir, that the Honourable Mr. Chatterjee has treated the whole of the discussion of this Resolution as if it was merely an academic one, as if its sole object was to compare the present condition of India with its past condition. Sir, I submit that that is not the object of the Resolution. What we want is simply to know, in whatever way it may be possible, the taxable capacity of the people. I do not know that it will require a great deal of logic or that it will require a great deal of reasoning to show that the taxable capacity of the people and the quantity of taxes to be raised from them are inseparable and that they are indissolubly and intimately connected together. I do not know, Sir, with what show of reason, with what show of logic, it can be advanced at all that we can hold an inquiry—what has been courteously called a scientific inquiry—into the present methods of taxation without knowing at all and totally ignoring what our capacity to pay those taxes is. Now, Sir, we may look at the present position of the country. After a rule of 160 years, after introducing a variety of taxes (we can well imagine that at some remote period land taxation and one or two other forms of taxation were the only taxes the people of this country knew). During a time extending over 160 years, after introducing a variety of taxes, after mutilating or distorting the land revenue system of the country, after introducing innumerable taxes during this period, after putting a burden of 41 crores of rupees on the shoulders of the people, we are going to make a scientific inquiry into the matter. Now, what will be the result? The whole basis of the inquiry presupposes that it is really a sort of readjustment of the taxes. It is only a sort of inquiry which will make a redistribution or readjustment. It does not presuppose, it does not take for granted that the least burden will be taken off, or that the capacity of the people to pay taxes will be taken into account. Now, just take the land revenue only. What do we see in some of the provinces? I will take my own province. During the last four or five years irrigation charges have been increased by 50 per cent; a burden of about 25 lakhs of rupees has been added by the Irrigation Department. Now, taking the land recurring settlement, I find that automatically, without any extra effort, two districts or 1½ districts on an average give an extra four or five lakhs of rupees a year. Now, that is the sort of thing which goes on imperceptibly, *ipso facto*, without providing anything for it. It is the normal thing. Now, after all this, we are simply going to make an inquiry—a scientific one—without taking at all into account what the taxable capacity of the people is. I would, therefore, submit, Sir, that, before we take to any such inquiry, we should make sure that the taxable capacity of the people—their capacity to bear the existing burden of taxation;

not to speak of the extra burdens that are going to be or that might be devised by the inquiry that is imposed on them—to make sure what their present capacity is. And, unless this is granted, I think it will be simply putting the cart before the horse.

With these words, Sir, I support the amendment put forward by my friend, Sardar Gulab Singh, as also the amendment moved by the Honourable Mr. Goswami.

**Mr. President :** In order to give a chance to some of the other amendments, I had better put Sardar Gulab Singh's amendment immediately.

The question is :

“ That after the words ‘ general resources of the country ’ in Mr. Goswami's amendment, the following be inserted :

‘ and an investigation into the defects of the prevailing system of Land Revenue Assessment ’.”

The question is that that amendment be made.

The motion was adopted.

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : Sir, I have closely followed the well-reasoned speech of the Honourable Mr. Chatterjee and I agree with him that the object of any inquiry now should be to aid us in the practical administration of the country and to better the poor condition of the people rather than to draw an odious comparison or a favourable comparison with the past. No object is served at all by going into the historic past and finding out whether the conditions then prevailing were better or worse than the present-day conditions. I am also of the opinion that the inquiry now started by the Government is a desirable inquiry. The objects of the inquiry as defined in the terms of reference are laudable in themselves. At the same time, my objection to that is that it is not thorough-going, it is not complete, it is imperfect, it is one-sided, and, if the inquiry is confined to the terms of reference, the results afforded by that inquiry will be unsatisfactory, and will not help us or the Government to come to right conclusions in dealing with the propositions which they have laid before them. My amendment to Mr. Goswami's amendment seeks to remove two of the substantial objections to Mr. Goswami's amendment, and also one of the objections to Mr. Rama Aiyangar's original Resolution. Both of them desire that the present inquiry started by Government should be stopped—either suspended or stopped altogether. I am not for stopping the inquiry started by Government,—(Mr. T. C. Goswami : “ It has not been started yet.”) proposed to be started. I want that inquiry to commence. But I agree with them that the scope of that inquiry is too narrow, and I therefore propose that, in addition to the subjects referred to that Committee, the subjects referred to in Mr. Goswami's amendment should also be included within the scope of the inquiry. In fact, on reading the terms of the Government Order forming this Taxation Inquiry Committee, one is led to infer that the Government are not averse to inquiring into the economic condition of the people. Their terms of reference (1) and (2) cannot be adequately inquired into without this exhaustive inquiry into the economic condition of the people. (1) and (2) contemplate such an inquiry and, if the Government object to enabling this Committee or another Committee to be formed to go into the economic condition of the various classes of the people of India, their

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income per head, their capacity to bear the existing burden of taxation, the resources of the country, why should they do so I fail to comprehend. They themselves contemplate such an inquiry, as I have pointed out, in clauses (1) and (2) of their terms of reference. They imply that and this amendment of Mr. Goswami's merely makes plain what is implied, as I gather from the terms of Nos. (1) and (2) of terms of reference. If they are not, as I see from the nodding of the head on the Treasury Bench—(*The Honourable Sir Basil Blackett* : "I did not nod.")—then I should say that it is high time that they should be included. There should be no ambiguity about it. These terms also should be expressly embodied in the terms of reference.

The next point is whether the present Committee, as constituted, is sufficient—I do not say competent—to go into this detailed inquiry which is needed. I have the greatest respect for every one of the individuals who compose the personnel of this Committee. Two of them I know personally. One of them I know for 30 years—the President of the Committee—and I have certainly no objection to the Committee on personal grounds. It is quite true that if the inquiry is to be useful, if the inquiry is to be thorough, there should be a larger Committee than the Government now propose, and it should include in its personnel not only people from this country but experts from the West, experts who will bring to bear upon the execution of their task a fresh mind, an unprejudiced mind, a mind which is not accustomed to work in ruts, a fresh mind which will bring the Western ideas to bear upon an examination of the conditions in this country. I am therefore for dissolving this present Committee, as it has been composed. It does not mean that the gentlemen who have been asked to serve on this Committee should not be asked to serve on the new Committee which is to be constituted. It should be a larger Committee, which will be able to work in sub-committees, a larger Committee which will appoint various sub-committees to go into the various provinces and gather the materials necessary in consultation and in collaboration. That is my object. The inquiry, I quite admit, will be a very wide inquiry indeed. But I do not think it will take that long time which Government Members and my Honourable friend Sir Sivaswamy Aiyer anticipate if such an inquiry were undertaken. The materials are already there. The records of the co-operative societies in the various provinces, the settlement reports of the various provinces where permanent settlement does not prevail, and in addition non-official inquiries which have been made already and official inquiries which have been made already are available, and those materials can be used. I do not say they will be enough. They will have no doubt to supplement the materials that they have already got. I know, for instance, in Bengal, during Lord Carmichael's time, he started an inquiry into the condition of the people in the villages—a very valuable record it was—and I know the Economic Association in Madras have collected materials as regards the economic condition in certain typical villages. For the inquiry which I have in mind, it will not be necessary to inquire into the conditions in all the villages in all the provinces. It will be enough if you take typical villages, typical classes of people, and hold an inquiry as to their economic condition. I think ample materials will be available. It may take a year or two or even three years. What is the objection to such an inquiry, which will be a thorough inquiry? What is the urgency of the measure now contemplated? What is it that the Government are after? It is not

an academical inquiry they are after. They are apparently bent upon revising the systems of taxation. They think that the present system is not as scientific as it ought to be, and therefore they want to improve it. They want it to be more scientific. If they wish to make it more scientific, and if the object is not, as we have been assured this morning as also the other day, to find new sources of taxation—I think to put it more correctly it is not to find additional revenues,—it may be new sources of taxation—then what is the hurry of completing this inquiry in this imperfect manner? Nobody can deny that the two subjects are closely connected. You cannot find whether the present burden of taxation is equitably distributed between the different classes of the people and whether the scheme of taxation, central, provincial and local, is equitable and in accordance with the economic principles without finding out the bearing capacity of the people. You have to find out their standard of living, whether they have enough for living in comfort and whether you are taxing what is left after that comfortable living, or whether you are taxing the necessities of life. Sir, the population of this country consists mostly of peasant proprietors. In most of the provinces—take Madras, take the United Provinces, take the Punjab—you will find the bulk of the people,—the people owning land, are about 60 to 70 per cent. In my own province it is about 80 per cent.—are merely peasant proprietors. In their case, Sir, they are equally taxed in the same ratio as the rich people, and if you really have to find out alternative methods of taxation and some have been suggested—two of them have been suggested in the debates, namely, death duties and also land values—how can you advocate them or determine not to recommend those two alternative sources of taxation without knowing the real condition of these peasant proprietors, who after all, will have to pay either death duties or will have to bear the burden of a tax on land values? Sir, in my view, it is impossible to separate the two things. They are interdependent. You cannot come to satisfactory conclusions without coupling the inquiries. I therefore suggest that nothing is lost to Government. I agree with them that you cannot avoid an inquiry into the questions which are contained in the terms of reference of the Government Resolution, and at the same time you cannot avoid the other inquiry which is suggested in the amendment. They must be contemporaneous. One of the instructions to the Committee which I propose may be that they should make interim reports in advance. If the Honourable the Finance Member is really anxious to proceed with certain matters he has in mind, then one of the instructions to the Committee may be, after they have acquainted them sufficiently, to make interim reports under different heads so that he need not wait for the final report. So, even if there is any urgency on any matter, it may be solved in that way. I therefore suggest, Sir, that the inquiry should embrace all these points and should be by a larger Committee which should include in its personnel representative non-official Indians and experts. I do not advocate any method of election. I do not object to all these gentlemen going on that Committee. But I do object, Sir, to this partial inquiry, which is contemplated by Government. It will lead to no satisfactory results. One thing more. This Government are making themselves unpopular in various ways. (*A Voice*: “They are already unpopular.”). They are already unpopular and they are adding to that unpopularity. I know, Sir, that in province after province, the elected Members both of the old Councils and of the new Councils, have been pressing for an economic

[Diwan Bahadur T. Rangachariar.]

inquiry. I know, Sir, when I was in the Madras Legislative Council, we passed a Resolution in 1917 urging upon the Madras Government to undertake th's economic inquiry into the condition of the people, but nothing was done. I know in other provinces it has been urged. It has been urged in every province. What is the Committee which you now propose? A Taxation Inquiry Committee. When you have added 49 crores of additional taxation to the Central Revenues, when Local Governments are imposing additional burdens in different ways, what is it that you now propose to make your Government more unpopular? You want a Taxation Inquiry Committee, whereas the cry of the country has been for an economic inquiry, you are pressing upon the country a Taxation Inquiry Committee. The term itself is objectionable. (*Laughter.*) My Honourable friend may laugh. (*The Honourable Mr. A. C. Chatterjee* : "What is there in a name?") There is a great deal in a name. You say that your object is to elevate the condition of the poverty-stricken millions. You admit that the bulk are poverty-stricken people in this country. Have an inquiry by all means. Put that in the forefront of the inquiry, and say, "Our object is to inquire into the condition of the people, to devise measures for their uplift, and at the same time to adjust the system of taxation on a more scientific basis." That the people can understand. What is it that you do? You say, "I want to adjust the system of taxation. I want to have a more scientific system of bleeding the poor people." That is what you want, that is how people understand it. That ought not to be encouraged. I would earnestly appeal to Government that nothing is lost by a prolonged but thorough inquiry. It is not an urgent matter. Even if the inquiry is not completed during the official lifetime of my Honourable friend, Sir Basil Blackett, for whom I have the greatest respect, when he vacates the Finance Membership he can go on that Committee and complete that task and thus help the country to come to satisfactory conclusions. Therefore, I repeat, nothing will be lost, and I move the amendment that stands in my name.

**Mr. President** : Further amendment moved :

"That for the words 'inquiry into' the words 'inquiry into the questions referred to that Committee and into' be substituted."

**Mr. W. S. J. Willson** (Associated Chambers of Commerce : Nominated Non-Official) : Sir, it seems to me that the whole of this debate has taken place about a year too soon! The Government have appointed a Taxation Inquiry Committee, and it seems to me that the right and proper course for us to follow is to let that Committee do its work and issue its report and one year hence, with that report in our hands, we might be in a very good position to debate many of the issues which have been raised to-day. Mr. Rangachariar says that there is, in fact, in existence some economic finding into the state of affairs in Madras. I have the volume in my hands. It is a large volume, it deals with comparatively few villages, and to hold such an economic inquiry as he proposes would necessitate a volume at least this size for every province in India. (*A Voice* : "For every district.") Well, I have in my hands this volume and I would like to call attention to what it says with regard to Indian poverty about which so much was made in the course of this debate. It says :

"To draw conclusions with regard to the broad economic conditions of life in India from a single village would be foolish; but even a single village may suggest far-reaching hypotheses, which it is worth while to state with a view to subsequent correction or verification."

That starts off with one village and we should have to do the same for many others.

"India was famous for centuries for its wealth. Recent writers, from Lord Macaulay onwards, assure us that India is extremely poor. The official estimate of the average income per head of the whole Indian population in 1898 was only £2, though that was, very probably, an under-estimate at the time, and would have to be very considerably raised now. My own estimate (this is a book by Dr. Gilbert Slater) for the average income per head in the Madras Presidency in 1916-17 is not less than Rs. 72.....The real wealth of any country consists mainly in sunshine, either sunshine received directly from year to year, or stored in the form of coal or oil. True, sunshine is valueless without rain, but Southern India has, over the greater part of its area, as a rule an excellent rainfall."

Then, he goes on to say :

"Other crops are produced in immense variety and many of these are extremely productive and profitable."

I would recommend a study of this article to Honourable Members. It is on page 17. It is for one province.

But I want to call attention to the fact that India as a whole is not the poor country that we are asked to believe it to be. India is not a poor country, but a wealthy one, and an extremely wealthy one at that. (Laughter). True, the wealth is distributed inequitably, but the wealth is there and, as I hope to show, is able to stand a basis of taxation which we should raise for the further development of the country largely in the interests of those who do not at present possess a fair share of this wealth.

India produces arable crops of the annual value of Rs. 1,715 crores. That is a figure exclusive of the mineral resources, cattle, and so on and so forth, and therefore, I think you might take a total value at Rs. 2,000 crores. I invite those who wish to take the average income at either Rs. 30 or Rs. 72—I invite them to decide that figure by the population of the country and tell me the answer. Personally, I attach no value to that answer, but I do say this that it knocks into a cocked hat the arguments that we have heard as to the ridiculously low income per head per annum in India. I am not interested in what happened 150 years ago, but I would like to call the attention of the House to some of the developments of India which have taken place in my own time. In the last 20 years since I have been here in India, the irrigated crops have increased from 203 million acres to 266 million acres—all under arable crops. In addition to that, India possesses some 90 million acres of some of the finest timber lands in the world. She has further 50 million acres of undeveloped land, and the new Barrage in Sind is expected to develop some 6 million acres and to add to the value of the crops Rs. 18 crores per annum. Now, Sir, if this is an achievement under British rule, is it an unfair figure to quote? What has been the result of the development of the Chenab Valley irrigation?

"A railway for the carriage of produce was commenced in 1895.....In ten years the population rose from 8,000 to 800,000. Lyallpur is now an important city with an enormous export trade. In 1919-20 the value of the crops grown on the land irrigated by the Lower Chenab Canal was no less than Rs. 16 crores, or nearly five times the capital cost of the work."

Again, in paragraph 354 of this book, "The Land of the Five Rivers", see what has been done to increase the value of the land.

"The first auction so held was in the Lower Chenab Colony in 1892; an average price of Rs. 43 per acre was obtained which was regarded at the time as highly satisfactory. In 1919, when about 3,500 acres of waste land in the new Lower Bari Doab Colony came under the hammer, an average price of Rs. 593 per acre was realized and a maximum of Rs. 1,105 per acre. These prices were somewhat speculative and later sales indicate that the present price of the land averages about Rs. 400.

[Mr. W. S. J. Willson.]

The flourishing condition of the people can be gauged from the fact that, in the latter colony, the price obtained for shop sites in the market towns has averaged nearly Rs. 40,000 per acre."

That is a direct result of the irrigation. For irrigation, it is perfectly true, you may have to borrow money to build your canals, but the interest on that money has to be paid out of the taxation, and it is largely because of your irrigation and your increased works that your taxation has gone up by this figure of 41 crores additional taxation which we so frequently hear of in this House. But the wealth of the country has gone up by more than that figure. The rice crop has risen from 50 million acres in my own time to 80 million acres, an increase of 60 per cent. The acreage under wheat has risen from 25 million acres to 30 million acres and the produce has increased from  $7\frac{1}{2}$  million tons of wheat to 10 million tons of wheat, an increase of 33 per cent. These increases are out of all proportion to the rise in the population. Therefore, they have produced a surplus of crops which you have now available for export and which you do export and bring in the money from abroad.

Then on the question of poverty. We have been all but told in this House that thousands of individuals in India live on a slice of salt a day with a few crumbs of bread sprinkled on top of it. But, Sir, the poverty of the individual, regrettable as it is, is very largely caused by laziness. If the agriculturist is poor in cash he is certainly very rich in leisure!

If we had the findings of the Taxation Committee, they would tell us how to distribute our taxes. We ourselves, on our own responsibility, threw back into the country some of the revenue which we were getting on the salt tax. We threw it back in a form which reaches the poor man in a fraction of a pie per head per week or some useless figure which he can do nothing with. Had we distributed that money to the provinces, the provinces would have been able to build water-works, or go on with sanitation, or some concrete solid thing which would last for ever and not be dissipated as our refunded salt tax is likely to be.

Part of the reason of the poverty is of course due to the early marriages. The poor quality of cattle is due to the fact that we grow far more cattle, more head of cattle than we can really feed, with the result that we have an altogether inadequate supply of milk.

Therefore, Sir, with all these very important problems to be considered, it seems to me essential that we should have the findings of this Taxation Committee. I know it has been said that the personnel of the Committee does not meet with the approval of many Members of this House. I ask you to consider for one minute, did the personnel of the Tariff Board appeal to you very strongly when you first heard of it? And what was the result? We had a Tariff Board consisting of one Indian Civil Servant, one professor from Bombay and one barrister from Rangoon. Not on the face of it, so far as their professions went, a very attractive Committee for business examination. But look at their work. Their work is perfectly brilliant, and we have no reason whatever to suppose that the work which this Taxation Committee will do will be any the less brilliant.

When we have got its report I am quite ready to find on page 26 or page 56 something which will start off a special inquiry under some sub-head or other with which we shall have to proceed. But to hold up the whole of the work of this Committee, in order to embark on another inquiry of this magnitude, seems to me to suggest the wrong thing to do. I there-

fore say that in our own interests we ought to await the findings of this Committee and then ask Government to give us a reasonable time, two or three days, for a full debate thereon, and, if necessary, the appointment of sub-committees to work out some of the details of their findings.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly, Non-Muhammadan Rural) : I have noticed since the last day when we discussed this Resolution a good deal of tenderness for this Taxation Committee that has been asked to sit immediately and proceed with its inquiry. Various amendments have been suggested since that day which try to effect some kind of a compromise between this taxation inquiry and the economic inquiry which my friend Mr. Goswami desires should be carried out before any taxation inquiry is started. I desire to say that, so far as this taxation inquiry proper is concerned, our Resolution asks that this inquiry should be dissolved, and it asks that in its place an economic inquiry should be started. It has been said on the Government side that no reasons were adduced for stopping the taxation inquiry. Whatever may be the reasons urged for the necessity or advisability or the urgency of an economic inquiry of the kind suggested, the taxation inquiry should, it was argued, be allowed to proceed. My friend the Honourable the Finance Member gave us very roseate pictures of the great good that this taxation inquiry is going to bring to us in the achievement of Swaraj. We were told that this Committee will develop schemes of federal finance which must rejoice the heart of the Swarajist, and we were told that this Committee will also develop and place before this country a scheme which will be in consonance with the principles of reform for which this country stands. In fact, my friend went so far as to say that this inquiry is supplying a deficiency which was left unfulfilled at the time when the reform scheme was put into operation. I believe he used the words, "a gap in the reform scheme which this Committee will seek to fill". I was wondering whether all this was really what we are going to have and I looked at the terms of the answer which the Finance Member gave me to my question on the 18th February last as to the terms of reference of this Committee. I put that question in February having regard to the debate that took place in another place as regards an economic inquiry and as regards the purpose of this Taxation Committee's inquiry. There was a good deal said in that debate by the Finance Member and by the Member for Education, Health and Lands. Much was made at that time about the fact that this Taxation Inquiry Committee by itself would afford most excellent material and would be the starting point for the larger economic inquiry which the Government of India were then prepared to commit themselves to. We were told also at the time that the present system of finance in this country was no system at all. In fact my friend the Finance Member used the word "amateurish", and he wanted to replace this system by a scheme of federal finance. He wanted to readjust the financial system so as to make it in keeping with the scheme of self-government which we are expected to develop in the years to come. I ask, Sir, whether the terms of reference which have since been settled on in consultation with the various Provincial Governments are such as to lead to the discussion of any system of federal finance. I am surprised that the Honourable the Finance Member should talk of the inquiry which is now to take place as if it had any relation to any scheme of federal finance. My Honourable friend Mr. Patel the other day said that we would be putting the cart before the horse if we proceeded to deal with



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the system of taxation in this country before we dealt with the economic condition in the country. Sir, the Finance Member is really putting the cart before the horse in another way when he wants to evolve a scheme of federal finance before we can even think of a scheme of federal government in this country. A scheme of federal finance necessarily implies a scheme of federal government. Even the talk of mere provincial autonomy has not been tolerated in Government circles for a long time. We have been told again, Sir, in the course of the inquiries which have been conducted by the Reforms Inquiry Committee by no less a person than Sir Frederick Gauntlett, the Auditor General, that if any scheme of provincial autonomy within the Act is really recommended by the Reforms Committee, it would be a most complicated and difficult thing for him to separate provincial finances from the Central Finances. The manner in which the figures of Provincial balances and liabilities should be distributed and adjusted would be, he said, a most complicated and elaborate thing to carry out, and he said that provincial autonomy cannot be effected in financial matters in the easy way in which they talked about it before the Committee in regard to administrative matters. If that is the state of things, what is the use of talking in large terms and big phrases of federal finance, filling the gap in the reforms scheme and so on? What is the present position, Sir, so far as finances are concerned? The provincial finances, provincial taxation, as well as expenditure, are absolutely at the mercy of the Central Government and of the Secretary of State in Council. We have been told that we have been given separate finances, separate powers of expenditure, separate borrowing powers and what not. If one reads the sections of the Government of India Act and the rules made under those sections the absolute impotence of Provincial Governments as such, let alone the question of the control of the people by their representatives in the Legislatures, becomes more and more manifest. What opportunity has been afforded to the Provincial Governments to avail themselves of the power of borrowing which has been given them under section 30 (1) A of the Act? Very little use has been made of it because of the restrictions imposed. Indeed one of the things which we are told this Taxation Inquiry Committee is hereafter going to deal with is this question of borrowing and the creation of a Provincial Loans Fund. Then, Sir, we were told by the Honourable the Finance Member that apart from any question of economic conditions or of the burden of new taxes and so forth, there were certain administrative difficulties in connection with the existing complicated system of taxation which must necessarily be dealt with by this Committee, and that is why this Committee should sit and investigate. But I find, Sir, in answer to a question which I put to him on the 18th February last, that the two points of difficulty which he now says this Committee is going to deal with, have already been settled by the unanimous decision of the Provincial Governments' representatives at the Financial Conference which took place in November last. As regards the question of the Excise, in the answer which Sir Basil Blackett gave me in February, he said :

"In addition to the inquiry into taxation the more important matters discussed at the conference of Finance Members of the Provinces were the question of improving the arrangements for provincial borrowing and establishing of provincial loans funds, the adoption of general principles in regard to excise so as to avoid conflicts of provincial interests and....."

We then find in his answer :

".....and the decisions of the conference, which were unanimous, will require and have been referred to, for confirmation by the respective Governments."

I take it, Sir, therefore, that so far as this question of Excise is concerned, the decisions have been taken already and they only remain to be carried out.

I would next refer to the actual position of the Provincial Governments in regard to taxation and expenditure. Under the Government of India Act we find the Provincial Governments fettered in their power to tax provincial resources by what is known as the Scheduled Taxes Rules. If any scheme of federal finance is to be developed it cannot be, by an inquiry into the working of the Provincial Scheduled Taxes Rules or Provincial Borrowing Rules, for it is clear that nothing can be done by the Provincial Governments or Legislatures without the previous assent of the Governor General in Council and the Secretary of State in Council in all essential matters. In a scheme of federal finance, we cannot have rules, for instance, such as we find in the Devolution Rules which say that without the previous sanction of the Secretary of State in Council, no appointments can be created by Provincial Governments involving a salary of more than Rs. 600 a month in the Reserved Departments, and no appointments involving a salary of more than Rs. 1,200 a month can be created in the Departments transferred to Ministers, who are supposed to be responsible to the Legislatures. Many such most meticulous restrictions do still find a place in the rules and in the regulations of the Government of India, and yet we are told that this great and grand Taxation Inquiry Committee is going to develop and evolve for us a scheme of federal finance. I say, Sir, the meaning of this inquiry is purely and simply, as my friend Mr. Patel put it, to find the best means of having fresh taxes and fresh resources for taxing the people of this country.

There is only one other point to which I desire to refer. This Committee which has been asked to inquiry into the system of taxation has, curiously enough, been expressly restrained from dealing with the question of land revenue. Now, as has been pointed out by my friend Mr. Rangachariar, and my friend Sardar Gulab Singh, the question of land revenue goes to the root of all taxation in this country. And if you are going to evolve any system of taxation, central, provincial or local, the question of what you are to do with the land revenue is a vital question. My friend the Finance Member said that, so far as that question is concerned, the terms of reference would comprise land revenue only in so far as it bears upon the question of the burden of taxation on the people of the country. But I ask, Sir, is this land revenue going to be treated as rent or revenue? If it is going to be treated as rent, whose rent is it? Is it the rent of the Central Government or of the Provincial Government, or is it the rent of various local authorities in whose areas these lands acquire more and more value by reason of the work of the local administrations or authorities? These questions are all so complicated that I am surprised that my friend should regard this inquiry that is now being started under the very limited terms of the reference to it as an inquiry which is going to help us in the evolution of Swaraj. On the other hand, Sir, I think that neither the terms of reference nor the personnel which has been appointed to consider them can by any means deal with any of the real financial questions upon which we are most intent, most insistent and

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urgent to-day. I say, Sir, that no question regarding the reorganisation of the system of taxation or finances in this country can be taken up until you deal with the question of the reorganisation of the government in this country. The one bears most intimately on the other, and until the main question is settled, the taking up and settling of these subsidiary questions will only tie our hands and mortgage our rights and privileges for the future. When we, the people's representatives, are in a position to take up our own Provincial Governments and make them responsible and democratic, we will be confronted with the arrangements which this hole and corner inquiry now started will have imposed upon us. I therefore, strongly urge this House not to accept this Taxation Inquiry, nor the Committee which has been appointed to consider it on any pretext whatever. On the other hand, I desire that this House should whole-heartedly adopt my friend Mr. Goswami's amendment, because the inquiry into economic conditions is an inquiry which at all times and all places could be conducted and would be valuable to any Government, democratic or bureaucratic, that is in this country; and that inquiry will form the basis for the reorganisation of the system of taxation in this country upon federal or any other principles of Government that we may have to adopt. Federal principles of finance also vary. There are countries in which the Central Government has all the residuary resources of taxation; there are countries in which the part States have all the residuary resources of taxation. If you examine the provisions of our laws in India there is no such conception found to exist. You have only what is called in the Government of India Act an "allocation of certain revenues", to Provincial Governments as the agents of the Secretary of State, and those allocations are subject to restrictions and rules which can by no stretch of imagination be said to confer autonomy on the Provincial Governments.

**The Honourable Sir Basil Blackett** (Finance Member) : Did I not say there was a gap in the present system ?

**Mr. A. Rangaswami Iyengar** : Oh, quite so : and therefore I say you should fill that gap in the proper way. I want to know how you are going to fill that gap by this inquiry when the Act and the statutory rules under the Act make it impossible for any Committee that you may now set up to alter those Rules or those sections of the Government of India Act. That is why I say that the Act must go ; it must be altered so that it confers real financial powers not only upon the Provincial Governments, but upon the representatives of the people in the Legislatures that will be set up by the amended Act to control them. Therefore, Sir, I submit that neither the inquiry nor its personnel should be accepted. On the other hand, we should proceed with this economic inquiry forthwith.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, the question before us has been debated from all points of view, official and non-official. The latest important contribution made to it is the speech of my Honourable friend Mr. Willson. He has told us of the great progress which has been made by India, by the increase of the land under cultivation, by the extension of irrigation works and in various other ways. He has unfortunately forgotten to tell us how much of this increased income

is absorbed by the existing administration. That is exactly the way in which a question like this is looked at by some of our European friends. There has no doubt been a great deal of improvement in many directions since British rule was established in India. There has also however been a great deal of deterioration in some other directions. The question to inquire into is, what is the sum total, what is the result of the progress achieved and of the losses suffered, of the obligations incurred and of the burdens imposed upon the people ? That is a question which requires to be looked at squarely. If you merely look at the progress that has been made, if you only look at the green fields which tell you of increased cultivation, if you look merely to the figures which tell you how much grain has been exported outside the country, but if you do not at the same time inquire how much of the increased income which they indicate is left with the people, then you are doing a wrong to the people. You are not looking at the question in a fair and square manner ; you are looking at only one side of the question, and want to beguile yourself into the belief that everything is fair and satisfactory in this world to-day. Now, Sir, the proposal for a taxation inquiry has emanated from Government, and it is important to note that not only the official Members but some other Members, particularly my European friends in this House, seem to desire that the inquiry into the economic condition of the people should be postponed, if not avoided. The taxation inquiry which has been proposed will not inquire into the capacity of the people to bear further taxation. It may recommend new taxes or readjustments of some existing taxes ; but it is not likely to succeed in pointing out many new directions for taxation. It seems as if the Finance Member had conceived the idea of a taxation inquiry in a country where the Government has been newly established, and where new sources of income have been created for the first time. It seems as if it were forgotten that there has been an administration going on in this country even under British rule for over 150 years ; that the possible sources of taxation have been looked into by every Finance Member, in fact by every Collector from the time he was appointed to the time he rose to be the head of the Government. The land has been taxed, customs duties have been imposed, salt has been taxed, excise has been taxed, stamps have been taxed, and I doubt if there are many sources left to be utilised as sources of fresh taxation. The customs duties are comprehensive enough to include any article which the Government may desire to tax. I should be surprised if the Taxation Inquiry Committee should be able to suggest many sources of taxation which have not already been thought of. If this view is correct, what will be the result of this Taxation Inquiry Committee's recommendations ? We seem also to forget that there is a Central Legislature in India and that there is a Provincial Legislature in every province. It is the function of the Legislature to deal with the question of taxation. As I have said, the possible sources of taxation are very well known, and the question as to what new sources should be added to those already existing is a question entirely for the Legislature. You wish to ask a few gentlemen, all very able men, to investigate the question of the possible sources of taxation from the academic point of view, and to record their opinions on the subject. But when the necessity for fresh taxation will be felt by the Legislature, a concrete proposal will have to be brought before it and it will have to debate and decide what particular tax should be added to those existing or where taxation should be increased ? The question will have to be considered in all its bear-

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ings by the Legislature, either the Central or the Provincial Legislature, as the case may be. Every single proposition of that kind will have to be submitted to the consideration of the Legislature. Now, I ask, Sir, what will be the value of the recommendations of the Taxation Inquiry Committee under those circumstances? Every proposition relating to taxation must come before the Legislature; the Legislature must examine it by itself, and in a matter like this the fact that a few gentlemen have made certain recommendations will be of very little value. We have had other Commissions of a larger character; we had the Industrial Commission in 1916, there were very able men on the Commission, many recommendations were made by them, and what has been the fate even of those recommendations? That is why I think, Sir, that the appointment of the Committee has been a mistake. The money that will be spent upon it will to my mind be lost: the time which will be given by these gentlemen who have been asked to work upon it will be largely, if not entirely, wasted.

The second ground, Sir, upon which I object to this Committee is that the Honourable the Finance Member has usurped the functions of this Assembly. I submit that where a Legislature is in existence, it is due to that Legislature that the Finance Member should come to it with a proposal like the one under consideration, lay it for the consideration of the Legislature and take its opinion on it before he undertakes to spend public funds upon it. He has no right to do otherwise—I mean no disrespect to the Finance Member—but I submit he had no right to do otherwise. It was the function of this Assembly to decide whether a Taxation Inquiry Committee should or should not be appointed; he should not have appointed the Committee without consulting the Assembly, and I submit, Sir, he would be wise in withdrawing from that position. If the matter had been laid before the Assembly, it would have been considered by it, and it is possible that the Honourable the Finance Member might have recognized the wisdom of not pressing his proposal. Or it might have been that the Assembly might have arrived at the conclusion that there should be a broader inquiry, an inquiry into the economic condition of the people which would naturally show in its result what taxation might be reduced and what taxation might be added.

The third ground upon which I object, Sir, to this inquiry is, that it puts the cart before the horse. You cannot fairly come to a conclusion as to the sources of new taxation; or as to what increase of taxation might be put upon the people, without knowing the economic condition of the people. It is no good hiding the fact from ourselves that taxation has been increased to a very large extent. There has been a long-lasting cry that the economic condition of the people cannot bear this taxation. My Honourable friend, Mr. Willson, gets up and says, "oh! the country has been prosperous, it is thriving, look at the green fields, look at all the exports, look at all the work that has been going on, and be satisfied that the economic condition of the people is good." It is wrong to look at the condition of the people in that way—it is like the way some dairy-men look at the cows in their dairy; they feed the cows, they give them shelter, in order to extract all the milk they can from them. The main question to be considered is, what is the amount of milk that you leave for the calves. The question is, of the income which has been increased how much is left with the people? That is the question which must be looked into before you can decide whether the

taxation which exists at present is or is not beyond the capacity of the people. Such an inquiry has been asked for for a long time. You go back to the time when the Indian National Congress was first constituted. At its very first session it urged that there should be an economic inquiry into the condition of the people. That request was repeated times out of number, but Government have never responded to it. Why should not Government now undertake such an inquiry? The question is of very great importance from every possible point of view so far as the people are concerned. You have high taxation existing here, and you must know whether the incomes of the people are such that this taxation can be justly continued. There has been a great deal of increase in All-India taxation, and that is the reason why this inquiry should be an All-India inquiry. I have been told that Local Governments are, with the exception of the Government of Bombay, opposed to an All-India inquiry. I am not surprised at it. Provincial Governments are apt to look at the question from the provincial point of view. They may not look at an Imperial question, at an All-India question, from the right point of view. If you have expenditure of an All-India character of a huge amount, if you have All-India taxes which the people have to pay, it follows naturally that there should be an All-India inquiry into the economic condition of the people. And what does an All-India inquiry into the condition of the people mean? It does not mean, as was suggested somewhat unjustifiably, that you should take the average income of a man in one village and adopt it as the average for all India. No one suggested such a course as that. There was an inquiry ordered by the British Government in the year 1884 during Lord Dufferin's time. In partial response to a demand for an economic inquiry by the National Congress, the Government of Lord Dufferin ordered an inquiry. That inquiry was held in some Provinces, particularly in the United Provinces. Certain villages were selected, and the results of the inquiry in those villages were synthesized to form an idea of the general condition of the people. If you will have an All-India inquiry now, it will mean you will have an inquiry from Province to Province. A few villages will be selected in each Province; and it will be ascertained what the incomes of the people of different communities there is. That, when synthesized, would give you an idea of the general average income of the people of the different Provinces. It will enable you to have an idea of what the general economic condition of the people is, and that is essential in order that you may be able to judge whether the taxation, which is at present laid on the people, should or should not be maintained.

Sir, when reference was made by my Honourable friend Mr. Willson to the increasing prosperity of the people, I wish he had also remembered the increasing taxation which has been imposed upon the people, and I wish he could tell us, after some calculation, how the increased produce of the country, how the increased income of the country, compares with the increase in taxation which has been imposed. He referred to the increase of 41 crores of new taxation, and he did not tell us how much of the increased produce which he had in his mind had been absorbed in order to support that taxation. The truth is that taxation has been increased in a large measure. All the new lands that have come under cultivation, all the green fields which have been made greener by the help of irrigation, have contributed to this extra taxation. In 1914 the military expenditure, the Army expenditure stood under 30 crores. Now it has gone up to 60 crores. It had been more than doubled at one time,

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and even now it is nearly double of what it was in 1914. Other taxation has likewise gone up. Look at the income-tax, look at the super-tax, and all the taxes you have added, and try to find out how it compares with the poverty of the people. Sir, there is no criterion available to us—not one particular criterion available to us—which might help us to form some idea of the income of the people, with the exception of one, and that is the income-tax. Let my friends who talk so glibly of the increased prosperity of the country look at the figures of the income-tax. Let them find out what is the average income of the more prosperous section of the people as shown by the figures of the income-tax, how few are the men who have very large incomes and how many of those few are to be found in the European community, big merchants who are growing rich on the trade and industry of this country, and high officials. When you look at the number of Indians who pay income-tax, you will find that the increase in the wealth of the country has certainly not been one-fourth so great as the remarks of my friends would make us believe. That is the situation. Therefore you need an All-India inquiry in order that you may find out what the national average income of the people is, in order that you may consider whether the existing taxation is justifiable. Such an inquiry is urgently needed. An economic inquiry into the condition of the people is urgently needed, because unless the real facts about the average income of the people are established, the great stimulus which such knowledge ought to give for the Government to reduce their expenditure will be wanting. The Government are not at present paying sufficient heed to the demands of the people for a reduction of expenditure ; but if the facts regarding the general average income of the people could be established to a reasonable extent, I think that would exercise a great pressure upon the Government to reduce the existing expenditure and taxation. It is therefore vital in the interests of the people that such a general economic inquiry should be held. A taxation inquiry at present looks like adding an insult to an inquiry. The people complain of this injury that you have gone on piling taxation upon taxation without making an honest, an earnest attempt to find out their capacity to bear that taxation. While they are complaining of that you appoint a Taxation Inquiry Committee to find out how taxation might be increased and made more systematic. I challenge anyone, including the Honourable the Finance Member, to suggest a practical scientific system of taxation. It is an utter impossibility. A scientific method of taxation or no scientific method of taxation, the question of what taxes should be imposed depends upon the capacity of the people to bear taxation. What are the objects which are capable of bearing taxation most ? Those have been found out, examined and decided upon by the predecessors of the Honourable the Finance Member and by other public men. Not much good will result by spending public time and money over such an inquiry. The inquiry that is demanded by justice, by the interests of the Government themselves, as well as by the interests of the people, is a general economic inquiry ; and I hope the Government will yet revise their opinion.

The Finance Member should not think that the opposition to his proposal means any personal disrespect to him. In this world we have to carry with us those whom it is our duty to serve. The people have to be served. The representatives of the people are willing to co-operate with the Government in having a general inquiry, the result of which will also

serve the purpose of the Finance Member by showing where taxation might be reduced and where it might be increased. But to hold such an inquiry without having a general economic inquiry will be a very wrong procedure. It has been said that this inquiry will take a very long time. I beg to demur. I do not think it will take an enormously long time. As matters stand an economic inquiry might well be finished within a reasonable time. A period of twelve months or two years should be sufficient to give the people enough data to be able to form reasonable conclusions and to act upon them. If the inquiry is not completed within that time, it will yet place the Government in possession of facts which might lead them to restrain their hands, so far as increasing taxation is concerned. It might lead the Government seriously to think of reducing expenditure. For all these reasons I support the proposal of my Honourable friend Mr. Goswami with the amendment which Diwan Bahadur T. Rangachariar has moved. I hope the Government will consider the matter seriously and see if they cannot accept it, and by accepting satisfy the people that they have the interests of the people truly at heart.

**Mr. N. M. Joshi** (Nominated : Labour Interests) : Sir, I was somewhat surprised to see the opposition from some quarters to an inquiry into the incidence of taxation and into the question of its equitability. Sir, personally for myself when I learnt that an inquiry into the taxation of this country was going to be made I was very glad to hear that news. During the last few years the taxation of this country has increased tremendously without any examination of the incidence of that taxation, and also without inquiring whether that taxation was equitable or not. Not only that but it was only in last May that on account of an alliance between Government and the representatives of the people the taxation was increased. Even to-day, if Honourable Members will read the amendments to one of the Resolutions that are going to be discussed, they will find that some representatives of the people are coming forward with proposals to increase the taxation. Is it not therefore right for Government before they increase the taxation any further to inquire whether the present incidence of taxation is just or not, whether there are any classes of people in India who have reached the last limit of being taxed or not ? I therefore feel greatly surprised at the attitude of some people who wish to postpone, at least if not to oppose, the inquiry into the incidence of taxation. Sir, I was glad at the appointment of this Committee, not because I approved of the terms of reference to this Committee thoroughly—I do consider that the terms of reference are inadequate and I do not want to say that I approve of every name on this Committee—but, Sir, I was glad because I felt that this inquiry, which is urgently needed, was at last being undertaken. I do admit that it is not possible for the Taxation Committee to do its work well and decide whether a particular tax is equitable or not without going into the question of the income and expenditure of the average man in this country. I do believe that a certain amount of larger inquiry is absolutely necessary in order that the Taxation Committee should do its work well. But, Sir, that does not mean that the two inquiries cannot go together, or that the taxation inquiry should be suspended till the larger inquiry is finished. In the first place my fear is that, if this larger inquiry into the economic condition of this country is undertaken, and if the members of the Committee take it into their heads to do their work very thoroughly as some people said, I am afraid, as one Member of the Council of State



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stated, the inquiry may take fifteen years. (*Diwan Bahadur T. Ranga-chariar* : "Not at all"). I do therefore want this Committee to put a limit to the work which it may undertake and finish its work as early as possible. But, Sir, at the same time I do not want the Taxation Inquiry Committee to suspend its work. Let the two things go together and be finished as early as possible ; because if the taxation inquiry is suspended, there are really great dangers of the poor people of this country being saddled with unjust taxation. There are already proposals to increase the taxation, and to reduce some. There is going to be a proposal discussed to-day that a certain tax should be removed. Now, if that tax is going to be removed and if there is no proper alternative suggested, I am sure Government and their allies, the rich people, will put certain taxes which will fall upon the common people for whom there will be nobody here to speak (*Sir Purshotamdas Thakurdas* : "Except you."). Sir, it is absolutely necessary at present to find out whether in the first place the taxation is equitable. My opinion is that there is a very large class of people in this country who ought not to be taxed at all. People whose income is below a certain minimum, whose income is not sufficient to keep their body and soul together and for their healthy maintenance, ought not to be taxed at all. Why these people should be taxed I cannot understand. I do not say that Government are not of any use to these people. But at the same time we must see that people who do not get sufficient money to maintain themselves are not deprived of what little they have ; it is not a principle of humanity to deprive a man who has not got sufficient to eat, of what little he has got. Moreover, Sir, although I do not say that the Government are not of any use to a man of that kind, I do say this, that the costly machinery of Government is not of much use to such a man. The Government exists, especially a costly Government exists, to protect the properties of the rich people ; and if the poor people have not got any property why should they pay to this Government ? No doubt Government also protect the lives of these people ; but, Sir, the poor people can protect their lives even without the assistance of Government. The real use of a Government is for the people who have got property to protect, and it is these people who want to protect their lives also from the other classes of people. I therefore think that it is in the first place absolutely necessary to find out what class of people there is in this country which ought not to be taxed at all. That is the first thing which the Taxation Inquiry Committee should do. After having done that (*Mr. K. Rama Iyengar* : "Can this Committee do that ? That is the question.") I will come to that. The second question which I would like the Taxation Inquiry Committee to undertake is to find out an equitable distribution of the necessary taxation ; and the equitability of the tax must be decided by two things ; first, according to the ability of the people to pay the tax—and secondly, the tax should fall upon people according to the use which they make of the costly machinery of Government. If these two principles are borne in mind by the Taxation Committee, I think they will be able to give much relief to the people in this country.

I have made it clear, Sir, that I am not against any wider inquiry into the economic condition of the people. As a matter of fact I do admit that some inquiry into the economic condition of the people will be absolutely necessary. I do not wish to go into the question whether India has become poorer or richer after the arrival of the British in this country. Some people may hold that India is getting poorer ; some may hold that India

is getting richer ; but there is one fact which is absolutely clear that the average annual income of the rural population in this country is indeed very small ; it is not large as my Honourable friend, Mr. Willson, said. I have not made any research but, Sir, when I consider this question there are two or three facts which always come to my mind. The first fact is the rate of wages on the Assam Tea Gardens. Sir, the labourers on the Assam Tea gardens get on an average Rs. 6 per month or Rs. 72 a year ; and I find that people from more than 200 miles go to Assam to earn this Rs. 6 a month or Rs. 72 a year. Naturally, therefore, their income in their own villages must be much smaller—it cannot exceed say Rs. 50—I might even put it down at less than Rs. 40, because no man will leave his home and go a distance of 200 miles in order to earn Rs. 72 a year, and that too under conditions which no self-respecting man will tolerate. In Assam, as everybody knows, a man is not as free as people are in other parts of the country. And that men can, after leaving their homes, go to Assam in order to earn Rs. 72 a year clearly shows that the average income of a man in India must be much less than Rs. 72. Then, Sir, there is another fact—the same fact practically. My Honourable friend, Mr. Rangachariar, the other day brought to the notice of this House that a large number of labourers leave Madras to go to Ceylon in order to get 5 annas a day. Sir, let us consider if a man goes to Ceylon in order to get Rs. 9 a month, what must he be getting in Madras ? Certainly his average income cannot be very much. (*Mr. A. Rangaswami Iyengar* : “ He is misled.”) Sir, there are some people who think that these labourers are misled. I do believe that some labourers are misled. But, Sir, thousands and thousands of people year after year for the last fifty years could not be going to Ceylon, to Malaya, and even to Assam, from Madras simply because they were misled. And, Sir, as far as Assam is concerned, I have made personal inquiries from people who go to Assam from Madras, and I have convinced myself of the fact that at least everyone of them was not misled into going to Assam. I feel, therefore, that some economic inquiry is absolutely necessary. But at the same time, I do not want this economic inquiry to be protracted and to be delayed so that in the meanwhile some taxes should be removed and some taxes should be added without inquiry into their incidence.

Sir, I do not wish to say much about the personnel of the Committee. Personally I do not believe that even by election you will get a much better Committee. But it is rather a difficult subject to discuss. There is only one point to which I would like to refer. The Honourable Member from Bombay, my friend Mr. Vithalbhai Patel, referred to Dr. Paranjpye, and he said that he may be a good teacher, but his choice was the worst which the Government could make. Sir, I do not know that there is any connection between teachership and membership of the Committee. But, Sir, I know this much that, if a good teacher is disqualified from being a member of a Committee like this, I cannot understand how a good barrister is quite fit to become a member of the External Capital Committee. Sir, I know it is not in good taste to refer to personalities in a House like this. But, Sir, I am quite sure that, even such a reference is not quite out of taste with my Honourable friend from Bombay. Moreover, Sir, my Honourable friend may say that he is elected, and Dr. Paranjpye was nominated by Government. But, Sir, I do not feel that, if a man is not quite suitable for one Committee, he can be made suitable even by election. The only difference is that this suitability or unsuitability is carried back to his

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electors. But, Sir, I feel the House will agree with me that the economic knowledge of Dr. Paranjpye cannot be less sound than the economic knowledge or the economic expertness of those people who, during the last few years, at the dictation of a masterful personality, not by their own conviction, tried to fool this country to believe in the wonderful economic panacea of the spinning wheel. Sir, Dr. Paranjpye is a better economist than any of these people. I do not wish to go any further into the merits of the personnel of this Committee. If some people want some addition to the Committee, let them have that addition. I am not opposed to that also. But, Sir, I am anxious that in any case an inquiry into the taxation should not be either suspended or postponed.

**Mr. M. K. Acharya :** I move, Sir, that the question be now put.

**Mr. President :** The House will now adjourn. I see there are a number of Members who wish to speak. This House will now adjourn till 2.30.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Diwan Bahadur M. Ramachandra Rao :** Sir, during the course of this discussion many instructive and interesting observations have been made, both in regard to the points raised in the terms of reference to the Taxation Inquiry Committee and also in regard to a cognate matter relating to the economic condition of the people of this country. I do not propose, Sir, to refer to the many criticisms that have been made on this subject or to support everything that has been said in criticism of the measures taken by the Government in the past and in the present. Sir, on this occasion, many of the Honourable Members either struck a note of optimism or of intense pessimism. The Honourable Mr. Chatterjee has made some observations to which I should like to refer. Sir, it has been our purpose since the expansion of the Legislative Councils, to secure a thorough-going inquiry into the material condition of the people of this country. In Madras at any rate, since 1910, there has not been a single year during which Members of the Madras Council did not make an effort in connection with the resettlement schemes that came up for examination to secure this inquiry. We were, however, always unsuccessful in this attempt. I have no doubt and several Honourable Members who took part in those debates have no doubt, that the reason why these inquiries were not sanctioned by the Government was a fear that the results of an economic inquiry would be used to discredit the Government. On the present occasion, Sir, I am very glad to find from a statement made by the Honourable Sir Basil Blackett that at least one Local Government, namely, the Bombay Government, has welcomed an inquiry into the economic condition of the people of this country, and I trust that, whether this inquiry takes the comprehensive form we desire or not the Local Governments would be able to co-operate in the final decision that may be come to by this House and the Government of India in regard to this very important question.

Sir, so far as the subject matter of the reference is concerned, I should like at the outset to say that I agree with those Honourable Members who

said that there was in the terms of reference a great deal that meets with our approval. The terms of reference raise the very important question of the financial relations between the Local, Provincial and Central Governments. In regard to this matter again, we have had in various parts of the country municipal and local conferences which have demanded that there should be a readjustment of the financial relations between the local authorities and Provincial Governments more or less on the lines of the inquiry which is periodically undertaken in the United Kingdom. Honourable Members are aware that in regard to local taxation in the United Kingdom, beginning from the time of Mr. Goschen and ending with the departmental committee on Local Taxation in 1914 and of 1919, the whole subject of the classification of the services rendered by local authorities has come periodically under examination and the financial adjustment required to discharge those functions has always taken place. For example, in the matter of compulsory elementary education, which is regarded as a semi-national service in the United Kingdom, and for various other services which are classified as semi-national, the Central Government has always found some way of rendering them financial assistance to carry out those services which are placed within the purview of local bodies. Sir, since 1882, when Lord Ripon's scheme of Local self-Government was introduced, this financial adjustment has not taken place. Duties have been cast on local bodies and from time to time, in order to discharge those duties, doles have been given either by the Government of India or the Local Governments to these local bodies. In some provinces the Local Governments appointed committees to inquire into this question and in Madras there was a Committee known as the Financial Relations Committee just before the reforms for the purpose of deciding this very vital question of financial adjustment between the local bodies and the Provincial Governments. I was a member of that Committee and we sat for a whole year and made comprehensive recommendations which, as is usual in Madras, were held up for want of funds. For this inaction the Honourable the Finance Member and the Government of India are mainly responsible. The terms of reference raise the question, whether the whole scheme of taxation between the Central, Provincial and local bodies is equitable and in accordance with economic principles. Sir, so much for the local bodies.

Then, as regards the provinces, Honourable Members are aware that just before the introduction of the reform scheme, a settlement, known as the Meston settlement, was introduced. Most of the provinces have rebelled against that settlement. They contended that it contained no basic principle, that it proceeded mainly upon practically the past expenditure of the provinces and that the decision of Lord Meston's Committee was not based on any principle of taxation relating to the Provincial and Central Governments. We have therefore been asking for a re-examination of the basic principles of the Meston award and it is one of the objects of the second term of reference to bring about a more equitable arrangement between the Provincial and Central Governments. Sir, I am afraid that during the short time at my disposal it is not possible for me to examine or even briefly to set out what I have to say on this most complicated subject of the relations between the Provincial and Central Governments. I am in entire agreement with the Finance Member that the inquiry which is proposed to be undertaken in the terms of reference to this Committee should be undertaken either by this Committee or any other Committee that may be appointed, and

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I do not wish that the matters, which are set out in the terms of reference, should be dropped.

Sir, there is only one other matter to which I would make a brief reference, and that is the question of the economic inquiry in regard to which a good deal of criticism has already been heard in this House. The point that has always been troubling us is not the question of going back centuries for comparison, as my friend Mr. Chatterjee has put it. The point on which we should like to have an inquiry is as to what really is the present material and economic condition of our people. In regard to this matter also, I might refer to recent literature of a most interesting character which has made many people think about the whole question. Perhaps my Honourable friend Mr. Chatterjee is aware of a book by Mr. Jack, one of the experienced settlement officers in Bengal, who brought under review the economic life of the district of Faridpur. I do not wish to refer to his conclusions at any length, but after reviewing the economic history of the district, Mr. Jack examined a number of domestic budgets; we have heard a great deal about domestic budgets of the Members of the Services in connection with the Lee Commission; Mr. Jack examined the domestic budgets of the very poorest of the poor. After examining the domestic budgets, he came to conclusions which, if perused by Honourable Members, would leave them in a very uncomfortable frame of mind. Mr. Jack says that the percentage of population free from debt according to his calculation is 55 per cent. of the total population of the district. He also arrived at the following conclusions: In debt for about one-fourth of the annual income, 24 per cent.; in debt for half the annual income, 13 per cent. He worked out the average annual incomes of different classes of people in that district which are as follows:

				Per annum per head of population.
				Ra.
In comfort	..	..	..	65
Below comfort	..	..	..	43
Above want	..	..	..	32
In want	..	..	..	26

These are the figures which Mr. Jack has compiled after considerable trouble.

**The Honourable Mr. A. C. Chatterjee:** May I ask the Honourable Member to mention the date of those investigations?

**Diwan Bahadur M. Ramachandra Rao:** This one? 1910 I think, Sir. It is not a pre-historic period. The book was published in 1916.

**The Honourable Mr. A. C. Chatterjee:** May I ask the Honourable Member to state whether the value of the rupee has decreased or increased since then?

**Diwan Bahadur M. Ramachandra Rao:** The class of persons with which I am now dealing do not always look to the exchange. It may be that members of the Indian Civil Service have always an eye upon the rise and fall of the exchange. Then, again, I may also refer to the question of food problem, and to the conclusions recently arrived at by

an investigator, Mr. Dubey, one of the University Professors of Economics in the United Provinces. I do not wish to refer to the conclusions of Mr. Dubey at any length, but in regard to the food problem he concludes a most interesting article in the following terms :

“ From the above study we are forced to the conclusion that even in the best year from an agricultural point of view (*i.e.*, 1916-17), and even with restricted exports of food-grains to foreign countries due to the war, so many as 160 millions of people in that year were in a position to get only 79 per cent. of the coarsest kind of food-grains to maintain them in health and strength ; and in a famine year (1913-14) the percentage fell to such a low figure as 62. Taking an average of all the seven years, it will be seen that 64.6 per cent. of the population lives always on insufficient food, getting only about 73 per cent. of the minimum requirement for maintaining efficiency. In other words, it clearly shows that two-thirds of the population always get only three-fourths of the amount of food-grains they should have.”

Sir, at this late hour I do not wish to detain the House with any more remarks. I believe that the prejudice which has arisen in regard to this Taxation Inquiry Committee is mainly due to the fact that the Government of India did not contemplate, or at any rate did not make it quite clear that the inquiry which they have in mind is a comprehensive inquiry both in regard to the income as well as the taxable capacity of the people. I do not wish to go into a discussion on other matters, such as, the personnel of the Committee. I am not quite clear in my mind whether we are right in unnecessarily criticising the personnel of any Committee, but I do hope that the Honourable the Finance Member will recognise that, so long as he is not responsible to this House, the personnel has to be settled in consultation with this House.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : The only justification for my intervening in this debate is that I desire to place before the House with the consent of the House an amendment which I submit is a most comprehensive amendment. With your permission, Sir, I will first read out my amendment :

“ This Assembly recommends to the Governor General in Council that he be pleased immediately to dissolve the present Taxation Inquiry Committee and appoint instead a Committee of non-officials and experts, in consultation with the leaders of the parties in the Legislative Assembly, to institute a thorough inquiry into and report on the following matters (with power to them to make an *ad interim* report) :

1. The economic condition of the various classes of the people of India ;
2. Their income per head ;
3. Their capacity to bear the existing burden of taxation (including land revenue) ;
4. The general resources of the country ;
5. The manner in which the burden of taxation is distributed at present between the different classes of the population ;
6. Whether the whole scheme of taxation—central, provincial and local,—is equitable and in accordance with economic principles ; if not, in which respects it is defective ;
7. The suitability of alternative sources of taxation without increasing the present level ;
8. The machinery required for the imposition, assessment, and collection of the taxes, old and new ; and
9. The general financial and economic effects of the proposals.”

Now, Sir, first of all, we, on this side of the House, are absolutely definite that the present Taxation Committee should be dissolved. It is said, and I think even the Honourable the Finance Member will not dispute it, that if this House, now that this question has been raised in this House, and as it is placed before us now, allows the Committee which is

[Mr. M. A. Jinnah.]

called the Taxation Inquiry Committee to continue the implication will be that this House favours the idea of new taxes being imposed upon the people of this country. (*A Voice* : "No.") Otherwise, there is no meaning. If this Committee recommends and says, "Here are the new sources of taxation which can be tapped for the purpose of further taxation," the Honourable the Finance Member will then come before this House and say: "Here is a Committee which has investigated the whole question. It has made these investigations, and now we have discovered these new sources of taxation. We shall now proceed to tap them." That is a very objectionable position that the Government have taken up. Therefore, Sir, what we say is this. First let there be a thorough general inquiry; we have added other matters which will be the subject of inquiry and investigation also by this Committee. Some matters may be taken up immediately, and those are not merely to find out new sources of taxation. One item which I shall mention is this, "whether the whole scheme of taxation, central, provincial and local, is equitable and in accordance with the economic principles; if not, in which respects it is defective." That is part of the reference to the Taxation Committee. That is a subject which may require immediate attention, particularly in view of the fact that with regard to the contributions that the provinces make there is a general all-round complaint. Well, for that purpose we say: "When you appoint this Committee which we are now recommending, let that Committee take up that particular matter, or any other matter comprised in this amendment, and if they deem it proper, let them make an *ad interim* report for the Government to take steps on those recommendations. But no further taxation, that is, to say, the present level of taxation should not be increased until we have had general thorough inquiry into the economic condition of the people of this country."

Now, Sir, I cannot understand how the Government can object to it. The Government themselves desire this inquiry. My friend Mr. Chatterjee and the Finance Member say, "We desire it. We have been doing our best. We are as anxious to proceed with the general inquiry as you are." Well, that will take some time. It may take a year, two years or three years, but surely you can appoint this Committee as soon as possible. Let this Committee proceed with those matters which require immediate attention. Let them make an *ad interim* report and let them continue with the rest of the inquiry. I therefore do not wish to take up any further time of this House. We feel that this is a proposal that the Government should accept.

**Mr. President:** For the purposes of the record, and to simplify matters, I should like to ascertain from the original Mover of the Resolution and from Mr. Goswami whether the amendment just now proposed by Mr. Jinnah meets their views and whether they are prepared to withdraw in its favour.

**Mr. T. C. Goswami** (Calcutta Suburbs : Non-Muhammadan Urban) : I accept Mr. Jinnah's motion. Is that what you want me to do? (*A Voice* : "Yes.") I think it meets the wishes of those who are for a clear cut which is provided for in the word "dissolve" and I am quite agreeable to the more explicit Resolution of Mr. Jinnah.

**Mr. President :** Is it your pleasure that Mr. Goswami's amendment be withdrawn ?

The amendment was, by leave of the Assembly, withdrawn.

**The Honourable Sir Basil Blackett :** I rise to ask for your ruling. I do not wish to make more than one speech this afternoon and I do not wish to lose my right of finally winding up on behalf of Government. I rise therefore to ask whether you propose to call on the original Mover and then give me my right of reply, in the event of the closure being moved.

**Mr. President :** In the event of the closure being moved, I propose to treat Mr. Jinnah's amendment as an amendment to Mr. Rama Aiyangar's original Resolution, whatever Mr. Rama Aiyangar chooses to do in relation to the proposals now made by Mr. Jinnah. That will leave the Finance Member his final right of reply.

**Mr. C. Duraiswami Aiyangar :** May I ask for a ruling from the Chair ? I have given notice of an amendment which I intended to propose. I want to know whether I have the right to move that amendment or not.

**Mr. President :** The Honourable Member's amendment is covered, except perhaps in one part, by the more comprehensive amendment of Mr. Jinnah. I was led to understand that the amendment proposed by Mr. Jinnah represented the consensus of opinion on my left, not necessarily the opinion of every individual member, but a sufficient consensus of opinion to justify the Chair in taking it as a substantive alternative.

**Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muhammadan Urban) : The statement that the amendment represents the consensus of any part of the House is to be taken with reservation and I am prepared to move a slight amendment to the amendment which has been handed to the Chair by my friend Mr. Jinnah. Upon my amendment I claim there is a consensus in this House. It is this. Where my friend Mr. Jinnah says that the Committee is to be appointed in consultation with the leaders of the House, I wish to substitute that the Committee should be appointed by the House. On that point I would refer to the proposal contained in Mr. Goswami's amendment, that is to say, that one-third was to be appointed by the Government and two-thirds appointed by the House. As Mr. Goswami explained in the course of his speech the idea was that there should be one-third of the Members of this Committee which was to consist of experts and two-thirds of persons who had the confidence of the country. That met the objection which was advanced from the Government benches as to the special technical knowledge required for the members of this Committee. I do not think, Sir, that this House will allow any Committee to be appointed in the appointment of which it has no voice, it may be one-third or two-thirds or a smaller proportion of the full Committee. I do not know if my friend Mr. Jinnah is now prepared to accept it but so far as I have been able to gather from the preliminary conversation we had, he and I have, I think, agreed to differ on this point. I do not see why I should concede that point unless it is the wish of the House that I should do so and I therefore beg you, Sir (I do not want to make a speech), to put this proposition to the House.



**The Honourable Sir Alexander Muddiman** (Home Member) : Before you put this proposition to the House I should like to make two points. The first is that it is entirely unconstitutional for the Legislature to appoint an executive Committee, as I understand my Honourable friend's proposal is that this House should elect a Committee to carry out the duties which are proposed. The second point is that this Committee is to inquire into all forms of taxation, central, local and municipal. Therefore the Central Legislature is going to force this on the Committee without consulting the Local Governments and the other parties concerned. Such a proposition cannot find favour with those who are advocates, in any form, of provincial autonomy. I do beg the House to consider these points. I do not want to make a speech but I desire to bring these two points forward for the consideration of the House.

**Mr. President** : I have not the terms of the amendment of Pandit Motilal Nehru before me and therefore I do not precisely know whether they would fit in with the terms of Mr. Jinnah's amendment. Mr. Jinnah's amendment, the House will observe, explicitly invites or recommends to the Governor General in Council to appoint the Committee.

**Pandit Motilal Nehru** : My amendment is that the Governor General in Council should appoint one-third experts and this House will appoint two-thirds. I have not got a copy of Mr. Jinnah's amendment with me.

**Mr. C. Duraiswami Aiyangar** : It is to avoid these difficulties that I framed my amendment. Both sides of the House might agree to a proposal of the kind that I have embodied in my amendment.

**Mr. President** : The proposal which Pandit Motilal Nehru has just read out before the House is actually contained in Mr. Goswami's amendment.

**Pandit Motilal Nehru** : With the amplification contained in Mr. Jinnah's amendment.

**Mr. President** : The point at issue I understand between Pandit Motilal Nehru and Mr. Jinnah is the manner of appointment of the personnel, not the scope of the inquiry. (A Voice : "No".) Well, the manner of the appointment of the Committee was contained in Mr. Goswami's amendment which has been withdrawn and cannot be moved again. I understood that Mr. Jinnah's amendment was the result of an arrangement between the parties and sections of parties on my left. Apparently it was not so. In that case Mr. Goswami was acting without his book, in withdrawing his amendment !

**The Honourable Sir Alexander Muddiman** : I move, Sir, that the question be now put.

**Mr. President** : The question is :

"That the question be now put."

The motion was adopted.

**Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadian Rural) : At the commencement of my opening speech I spent a considerable portion of my time in, as I thought, pinning the Finance Member down to previous statements made on behalf of Government by Mr. McWatters and himself and by the Honourable Sir

Narasimha Sarma. But in his reply he has taken up that question and has referred to a speech of the Honourable Mr. Lalubhai Samaldas which he indicated showed that even in the Council of State remarks were made against my proposal. No doubt there is a good deal of difference between a Government Member making statements as representing the Government and other Members making remarks in the course of a discussion. But taking those remarks, it will be clear that the Government accepted the proposal that this inquiry by the Taxation Committee should cover practically the whole ground, and in fact the Honourable Sir Narasimha Sarma said that it may not be necessary to make any further investigation in one contingency. That being the position, the Honourable Sir Basil Blackett in utilising the grant sanctioned for the purpose by the Assembly, as he said, was not entitled to go behind the statements made on behalf of Government. And if, as explained by the Honourable Mr. Lloyd, certain adjustments had to be made between the Local Governments and the Central Government, as I pointed out in the course of my opening speech, that would have been best made by the Honourable Sir Basil Blackett and the officers of the Finance Department sitting together with the finance officers of the various Governments. The whole thing would have been set at rest so far as this Taxation Committee business went as regards adjustments of incidence of taxation between this Government and the other governing bodies. On the other hand, if it was the intention, as it clearly was during the course of the Resolutions discussed in the Council of State, to have the economic condition of the people also examined, as well as their taxable capacity and the burden of taxation on particular sections of the people—in fact almost all the points I wish to have an inquiry into—my submission is that there is no reason why Government should not accept my Resolution and make a full inquiry once for all. Under the method adopted by the Government it is not only a question of duplicating expenditure, but it is a matter, as pointed out by Mr. Patel, of putting the cart before the horse. The investigation as to the materials must first of all be completed before the question of taxation or incidence of taxation can be examined and settled as between the several governing bodies. In fact, as I said in the course of my opening speech, I did not read that particular passage from the reply of the Honourable Sir Basil Blackett to the Chamber of Commerce in Bombay where he said that since he had landed in India his first task was to make the budget balance. That was his great trouble, and he wanted fresh sources of taxation to make the budget balance. That is what he said there. I did not read that passage but read other passages to indicate that the balancing of the budget had become almost a personal matter with him. As I explained before, the terms of reference of this Committee as also the personnel have been disappointing. He himself has in fact also been disappointed. He mentioned it openly in Bombay. I think the proper thing for the Assembly to do is to insist upon the carrying out of the views expressed before the Council of State during the discussions I have referred to and to add to them as I suggest. Therefore, as the Assembly sanctioned a grant on the understanding that the inquiry was going to be an almost complete economic inquiry—with the exception of some minor points which the Honourable Sir Narasimha Sarma pointed out could be dealt with later—in putting forward my Resolution I naturally impressed that point upon the attention of the Government, so that they may agree to the Resolution that I moved. The points of difference were very small when the Government accepted the

[Mr. K. Rama Aiyangar:]

Resolution of Sir Maneckjee Dadabhoy. All that indicated only one thing. And I submit that the Honourable Sir Basil Blackett in referring to this Assembly stultifying itself has not been quite accurate at all. My idea is that the Assembly will stultify itself if it does not bring home to the Government the view they took at the time these discussions took place in the Council of State. And it was on that understanding, if at all, that this money was allotted without a discussion at great length ; because it was clearly understood that we were going to have almost the whole inquiry. And all that is now put forward is the urgency of consulting other Local Governments. But as the Reform Act stands, practically the complete control of the whole business rests with the Secretary of State and the Government of India. And what is this Committee to do ? Why should they be roving round for months or years ? We do not know what time it will take, two lakhs have already been granted for one year, and they might expect to require more. And what are we going to get from a Taxation Committee whose personnel has been commented upon as unsatisfactory, when the Meston award and the whole of the land revenue incidence is excluded from its inquiry. (*A Voice* : " No. "). Now, of course, the proposition is different, but the reference explained that for certain purposes the incidence of land revenue is excluded ; and if the whole of the Meston award is excluded, what are they going to do ? And what, if, as has been pointed out by Mr. MacWatters, one revenue or other such as " Excise " or " Forests " is lost to a Local Government and it is not open to the Committee to examine and find other revenue ? Suppose the drink or forest revenue is lost to one province. How are they going to adjust it ? What is the use of making a half-hearted inquiry like that and spending a lot of money and having a personnel which really cannot go into the whole matter authoritatively and with competence. I think in all cases the Government claim that experts advised them, and therefore they could not go behind them in spite of opposition from this side,—that experts, they always thought, had to be respected. But we should be glad if we had the experts that we expect to have in a Committee like this, and our position has been explained. All that I say therefore is that the question comes to this. The position taken originally by the Government was that there would then be practically a whole inquiry ; as we wanted this expanded. In the view which has been put forward by Sir Basil Blackett, I should think this Committee ought not at all to be allowed to continue. That Committee's work might of course well be done by the Government of India and the Financial Members of the Provinces over whom they have for purposes of supervision complete control. They can adjust matters as they like and that would probably not be a matter in which any fresh taxation would have to be sanctioned by the Assembly ; and if no fresh taxation is to be sanctioned, an inquiry of the half-hearted nature put forward will not at all be satisfactory to the Assembly, and they therefore now ask for a complete examination of the whole position. That is where we stand, and I therefore am very glad to accept Mr. Jinnah's amendment to mine even though my original proposition contained certain clauses which are now cut out. As I pointed out at the commencement therefore, I submit, Sir, that taking every view into consideration it will not be proper for the Finance Member to expend money under the sanction that was accorded by the Assembly to the general grant in the course of the passing of the Budget. And of course it might be said, " here are persons who have been

announced, and all that". Certainly I for my part—that is my individual view that I express—for my part I should not mind it if these gentlemen that have been appointed sit together in Simla and Delhi and get on with the whole question as best they can and consider the incidence and so forth, and for that purpose they may certainly be employed for a certain time, but to allow them to go about the country, examine things in the villages and so forth, that will simply be out of the question, and the expenditure will not be allowable under the sanction given by the Assembly but under any extraordinary power Government might exercise in matters of this kind. I therefore accept the solution proposed by Mr. Jinnah and I hope that the Government will also accept it, so that the whole thing might be done satisfactorily and to the best interests of the masses of this country, whose cause it is always said Government have so much at heart.

**The Honourable Sir Basil Blackett :** Sir, this discussion over two days has ranged over such a variety of topics that I am afraid it will be difficult for me in the short time which you will allow me or which I desire to allow myself to go over a great part of the area that has been covered in the debate. With regard to the Honourable Mover, I despair of persuading him to understand something that he does not want to understand. He makes the statement again that the terms of reference which the Government originally had in mind were something quite different from what the Government now have in mind. The terms of reference as they now stand were announced in the Council of State on the 4th February, and they were announced in this House in answer to a question on the 18th February. It was a Committee with those terms of reference that was approved by the Standing Finance Committee, and it was money for a Committee with those terms of reference that was voted by this House. For this House now to say that they did not vote money for this Committee is, I think, quite out of the question.

The subjects, Sir, that have come up for discussion are many and various. I will take first of all the Taxation Committee, its personnel and its terms of reference. I do not want to say much about the personnel. It has just been stated that in Bombay in a speech I made there I expressed the view that the personnel was unsatisfactory. I did not. I expressed the view in Bombay that I had been a little unfortunate in certain instances in connection with the selection of the personnel, but that is quite a different thing. I agree with the Honourable Mr. Joshi that it is possible to pick holes in the personnel of any Committee but that this is probably a better Committee than you would have got by election in this House. (*Some Voices :* "No, no.") Who are the Members of this Committee ? There is first of all the Chairman who has very wide experience in the machinery of taxation and has been for several years the Finance Member in the Madras Government since the introduction of the reforms. Two other members of the Committee have been either Ministers or Members of Executive Councils of Provincial Governments since the introduction of the reforms. They have very wide knowledge of the administrative difficulties, in particular where the shoe pinches a Minister who wants money to spend on education, and they have considerable experience of the day to day work of Governments under the reforms and of their relations with each other.

**Mr. Jamnadas M. Mehta** (Bombay Northern Division : Non-Muhammadan Rural) : Did not the Honourable Member say in Bombay that he was unfortunate in the selection of the Committee ?

**The Honourable Sir Basil Blackett :** The Honourable Member has nearly had two days in which to make a speech if he desired to do so ; I really cannot consent to be interrupted now. I have got the speech in front of me and will show it to the Honourable Member afterwards if he wishes. The personnel I will leave with this one further remark, that I think it is very undesirable that in this House we should throw cold water on the personnel of any such Committee even on our friend, Dr. Paranjpye. I could not help feeling when Mr. Patel began to talk about the qualifications of this and that and the other of his friends for membership of this Committee that I sympathised with the prayer which I am sure must often be in the mind of his leader, " save me from my friend, Patel ". The terms of reference were those drawn up by the Finance Members of the Provinces in consultation. There is one phrase in the terms of reference proposed by Mr. Jinnah, though I am afraid it is a little too late to incorporate it in the terms of reference as they have already been announced for some time, which is I think an improvement. I should be very glad to accept that portion. It is the part about the suitability of alternative sources of taxation " without increasing the present level." I should have been very glad to have thought of those words at the time. I will now have them incorporated in the instructions to the Committee, and I hope that will bring home to Honourable Members that there is no ground for this suspicion that the Government, in spite of their very definite statement to the contrary, desire this Committee with no other idea but that of increasing the total expenditure of the country or the total amount raised by taxation. They desire it for the very purpose which Mr. Joshi said, that the incidence of the existing taxation may be examined, and if it falls too heavily in one direction, it may be lightened, with the consequence probably that it would have to be increased if it falls too lightly in another direction. It is a question of expenditure whether it will have to be increased correspondingly in the other direction or not, but there is no desire whatsoever in connection with this Committee to find new sources of taxation in order to raise a larger amount by taxation. The object is readjustment. The purpose of the Committee is to reconsider our existing system of taxation and see whether it is capable of improvement both in its incidence and in its machinery. The Honourable Pandit Madan Mohan Malaviya said that we have raised 40 to 50 crores of additional taxation in the last—I forget how many years—and therefore we do not want a Taxation Committee. I would like to ask him one or two questions. Does he know any other country in the world which has been deeply concerned in the world war which has not increased its taxation, both quantitatively and proportionately, more than India has ?

**Pandit Madan Mohan Malaviya :** Has not taxation been reduced in England during the last two years ?

**The Honourable Sir Basil Blackett :** Taxation has been reduced during the last two years but if you compare the total taxation in England before the war and the total taxation after the war you will find that the increase has been very much greater both quantitatively and proportionately, than it has been in India. The Honourable Member might be reminded too that taxation has been reduced in India also this year, though that is perhaps a controversial subject. The Honourable Pandit also went further and he said that I was usurping the functions of this House. Now the functions of this House are very clearly to vote this expenditure and

it was not till the House had voted this expenditure that the Government ventured to proceed with the appointment of the Committee ; so I cannot see how in that direction I am usurping the functions of this House. In choosing the personnel of this Committee the Executive acted, as I think, nearly all Executives act, in accordance with their proper functions by selecting the personnel after consultation with those who are likely best to be able to suggest a personnel. The leaders of parties in this House might be a little difficult to find always and I do not think it is a phrase that the Government would like to see enshrined in a Resolution of the House.

**Mr. M. A. Jinnah :** I am quite willing to withdraw that part if the Government will give us an assurance to that effect as is the practice in other Parliaments.

**The Honourable Sir Basil Blackett :** I do not think the Honourable Member has much justification for saying that it is the practice in other Parliaments to consult leaders of the House in regard to personnel of executive Committees. But as Government are unfortunately not able to accept the Resolution as a whole we need not perhaps dispute about that point, though I am sure I shall be glad to see the Honourable Pandit Motilal Nehru in the same lobby with us owing to his objection to this portion of the Resolution.

**Mr. M. A. Jinnah :** That hope is not going to be realised.

**The Honourable Sir Basil Blackett :** The personnel of this Committee was selected, as inevitably must be in the case of an All-India Committee of this sort, in close consultation with Provincial Governments.

Then another subject that has been raised is federal finance. As far as I understood Mr. Rangaswami Iyengar, he objected to our discussing the subject of federal finance because of King Charles's head—that is to say, we must not do anything until self-government has been introduced in the form in which he desires. I would suggest to him that if he wants the right sort of constitution drawn up by a round table conference or whatever other body is going to draw it up, they would be very well advised to have the results of an expert inquiry into the taxation system—central, provincial and municipal—before them when they are drawing up their constitution ; and indeed if I may venture the observation, the interesting discussion we have had for two days has impressed upon me one lesson and that is, that it is extraordinarily desirable that this House should have before it an authoritative and expert Committee's report on taxation in order that it may discuss the subject of taxation intelligently.

Let me now pass to the economic inquiry. It has appeared to me in the speeches that have been made that it is assumed that the Government have an objection to an economic inquiry. Mr. Patel thought that we had a strong objection to it. Personally, if I may speak for myself, I think that a really authoritative inquiry into economic conditions in India is one of the great desiderata. I should hope that it would have great results. I should hope that it would enable constructive plans to be built upon the foundations of an authoritative inquiry for improved medical, sanitary, and educational facilities for the people. In particular I lay stress on education. One of the deepest roots of the poverty of the masses in this country is that they have not had sufficient education to make

[Sir Basil Blackett.]

them ambitious for a better life and willing to work harder and longer in order to get it. I do not want to be controversial but in the book from which Mr. Willson quoted this morning, almost immediately after the passage he quoted and referring to the same village, is this passage :

“ If the land is extraordinarily productive, labour is extraordinarily unproductive. From a comparison of results in reaping and ploughing it might be estimated roughly that a week's work by a raiyat or cooly in the Madras Presidency is about equal to a day's work by a British agricultural labourer, if unaided by machinery.

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This comparison is not quite fair to the Indian worker, as he would doubtless be more expeditious over ploughing and reaping if it were necessary, but the fact remains that the Indian worker earns very low wages, has a very low standard of expenditure, and attains a very low level of efficiency, and these three characteristics of Indian life are so interconnected that it is impossible to say which is cause rather than effect. Indian employers do not believe in the economy of high wages ; and as yet only faint beginnings of trade unionism are to be found among Indian manual workers. Nor does Indian popular religion, which fosters submission, nor popular philosophy which inculcates the art of abstinence, encourage a revolt against the prevailing conditions. .... In fact various strands of economic, social and religious conditions and customs are strangely and deftly interwoven in the web of South Indian life, and low wages, low efficiency and high abstinence are the ground plan of the pattern.”

My belief is that it is education and more education which is the weapon with which all that is to be combatted. That could not result directly from the economic inquiry but the economic inquiry would I think reinforce the truth of that observation. The economic inquiry might also teach us the value of agricultural and technical education, the need for an extension of co-operative credit, for improved irrigation, better use of the underground waters of India, and things of that sort. Now what has all that got to do with taxation ? The fact is that these two subjects—the taxation inquiry and the economic inquiry—touch each other on the fringe of the same general subject, the economic condition of the people of India, but are only very partially interconnected. The taxation inquiry is required for our constitutional progress and in order that the Governments, including the municipal as well as the Provincial Governments and the Central Government,—the Governments of India may raise the money which they require for carrying on the services which they carry on by better machinery and at less cost to the tax-payer than I believe in certain cases they do at present. That being so the taxation inquiry must undoubtedly to a limited degree go into the general question of the economic condition of the people of India. In the terms of reference and in the Government of India's Resolution on the subject, every effort was made to indicate the limits to which that economic inquiry for the purpose of the taxation inquiry should extend in order that the taxation inquiry might not have a roving commission which might take years and might spend itself in wasted labour but a definite commission to make an economic inquiry with reference to the incidence of taxation, in so far as that economic inquiry was necessary for the purposes of the taxation inquiry. Quite independent of that is the general economic inquiry which, as I have said, the Government do not at all desire to oppose. They are doubtful as to whether it can properly be undertaken by a Central Government Committee.

Certainly it ought not to be undertaken by a Committee appointed by this House if it is to inquire into the economic conditions in each of the Provinces. I am inclined to agree that some kind of co-ordinating machinery set up by the Central Government might be desirable for the purpose of the conduct of this inquiry, but if it is to be effective it must be decentralised to a certain extent. The Government will await the replies of the remainder of the Local Governments which have not yet answered. In accordance with the Resolution accepted by the Government in the Council of State on the 4th February and in the light of the discussion which they have heard to-day they will I am sure be encouraged to press the Local Governments to agree to co-operate in some kind of co-ordinated inquiry into the economic condition of India. But there is no reason why for that purpose the proposed Taxation Committee should be dissolved. On the contrary, if that economic inquiry is to be fruitful in its results, the inquiry by the Taxation Committee will be a very relevant and important point in the conduct of the economic inquiry. It was pointed out, was quite rightly pointed out, by my Honourable friend Pandit Madan Mohan Malaviya that taxation is the function of the Legislature. Certainly; but does not the Legislature require some kind of expert advice in considering questions of taxation? There is no proposal that this Committee should be appointed and thereupon, in view of his special capacity to bear taxation decide that the income-tax of Pandit Madan Mohan Malaviya should be doubled. This Committee is not going to do any executive work; it is going to make proposals for improving the existing system of taxation; its proposals will be available to the Central Legislature and to the Provincial Legislatures when they come to discuss questions of taxation. I for one know that my own examination of taxation questions in India will be very much better conducted when I have the report of an expert inquiry of this sort before me than it can be at present, when, with the exception of the gentlemen who have recently been appointed to the Central Board of Revenue there is literally in the Government of India no one who has made an expert study of the subject of taxation. I therefore confidently appeal to the House not to accept this revised amendment of the original motion, but to allow the Taxation Committee to proceed on its labours in accordance with the decision arrived at by this Assembly last March, and to co-operate with the Government of India and with the Local Governments in seeing that a suitable programme is drawn up for conducting this economic inquiry on the desirability of which we are all apparently agreed.

**Pandit Motilal Nehru :** May I rise to a point of explanation? I am told that in my absence the Honourable the Finance Member was pleased to express a hope that he would find me in the Government lobby. I want to make my position quite clear. The amendment which was moved by Mr. Jinnah had my full concurrence and acceptance, except as to one little part; and if I had been allowed to put it I should have liked to take the decision of the House; but Mr. Jinnah's amendment is the next best thing to what I wanted and I am afraid therefore my Honourable friend will not have the pleasure of seeing me in the Government lobby.

**The Honourable Sir Basil Blackett :** May I say, Sir, that I am disappointed but not surprised?



**Mr. President :** The original question was :

“ This Assembly recommends to the Governor General in Council that he be pleased to suspend the Taxation Inquiry Committee and to appoint a Committee in its place for a close inquiry into the general conditions of economic life and labour in reference to the resources of the country and an estimate of the national income.”

Since which an amendment has been moved to substitute the following :

“ This Assembly recommends to the Governor General in Council that he be pleased immediately to dissolve the present Taxation Inquiry Committee and appoint instead a Committee of non-officials and experts, in consultation with the leaders of the parties in the Legislative Assembly, to institute a thorough inquiry into and report on the following matters (with power to them to make an *ad interim* report) :

- (1) The economic condition of the various classes of the people of India ;
- (2) Their income per head ;
- (3) Their capacity to bear the existing burden of taxation (including land revenue) ;
- (4) The general resources of the country ;
- (5) The manner in which the burden of taxation is distributed at present between the different classes of the population ;
- (6) Whether the whole scheme of taxation—central, provincial and local—is equitable and in accordance with economic principles ; if not, in which respects it is defective ;
- (7) The suitability of alternative sources of taxation without increasing the present level ;
- (8) The machinery required for the imposition, assessment, and collection of taxes, old and new ;
- (9) The general financial and economic effects of the proposals.”

The question is that the Resolution, as amended, be adopted.

The Assembly divided :

AYES—60.

Abdul Karim, Khwaja.  
 Abhyankar, Mr. M. V.  
 Acharya, Mr. M. K.  
 Aiyangar, Mr. C. Duraiswami.  
 Aiyangar, Mr. K. Rama.  
 Alimuzzaman Chowdhry, Mr.  
 Aney, Mr. M. S.  
 Badi-uz-Zaman, Maulvi.  
 Belvi, Mr. D. V.  
 Chaman Lall, Mr.  
 Chanda, Mr. Kamini Kumar.  
 Das, Mr. Bhubanananda.  
 Das, Mr. Nilakantha.  
 Duni Chand, Lala.  
 Ghazanfar Ali Khan, Raja.  
 Goswami, Mr. T. C.  
 Gour, Dr. H. S.  
 Hans Raj, Lala.  
 Ismail Khan, Mr.  
 Iyengar, Mr. A. Rangaswami.  
 Jinnah, Mr. M. A.  
 Kasturbhai Lalbhai, Mr.  
 Kazim Ali, Shaikh-e-Chatgan, Maulvi.  
 Muhammad.

Kelkar, Mr. N. C.  
 Lohokare, Dr. K. G.  
 Mahmood Sehamnad Sahib Bahadur, Mr.  
 Makan, Mr. M. E.  
 Malaviya, Pandit Krishna Kant.  
 Mehta, Mr. Jamnadas M.  
 Misra, Pandit Shambhu Dayal.  
 Misra, Pandit Harkaran Nath.  
 Murtuza Sahib Bahadur, Maulvi Sayad.  
 Mutalik, Sardar V. N.  
 Nambiyar, Mr. K. K.  
 Narain Dass, Mr.  
 Nehru, Dr. Kishenlal.  
 Nehru, Pandit Motilal.  
 Nehru, Pandit Shamlal.  
 Neogy, Mr. K. C.  
 Patel, Mr. V. J.  
 Piyare Lal, Lala.  
 Purshotamdas Thakurdas, Sir.  
 Ramachandra Rao, Diwan Bahadur M.  
 Rajan Baksh Shah, Khan Bahadur.  
 Makhdom Syed.  
 Rangachariar, Diwan Bahadur T.

AYES—60—*contd.*

Ranga Iyer, Mr. C. S.	Singh, Mr. Gaya Prasad.
Ray, Mr. Kumar Sankar.	Sinha, Mr. Ambika Prasad.
Reddi, Mr. K. Venkataramana.	Sinha, Kumar Gangnanand.
Saniullah Khan, Mr. M.	Tok Kyi, Maung.
Sarda, Rai Sahib M. Harbilas.	Venkatapātiraju, Mr. B.
Sarfraz Hussain Khan, Khan Bahadur.	Vishindas, Mr. Harchandrai.
Shafce, Maulvi Mohammad.	Yusuf Imam, Mr. M.
Shams-uz-Zoha, Khan Bahadur M.	

NOES—42.

Abul Kasem, Maulvi.	Hyder, Dr. L. K.
Ahmad Ali Khan, Mr.	Innes, The Honourable Sir Charles.
Akram Hussain, Prince A. M. M.	Joshi, Mr. N. M.
Bhore, Mr. J. W.	Lindsay, Mr. Darcy.
Blackett, The Honourable Sir Basil.	Lloyd, Mr. A. H.
Burdon, Mr. E.	Muddiman, The Honourable Sir Alexander.
Calvert, Mr. H.	Muhammad Ismail, Khan Bahadur Saiyid.
Chalmers, Mr. T. A.	Nag, Mr. G. C.
Chatterjee, The Honourable Mr. A. C.	Naidu, Mr. M. C.
Cocke, Mr. H. G.	Parsons, Mr. A. A. L.
Crawford, Colonel J. D.	Raj Narain, Rai Bahadur.
Dalal, Sardar B. A.	Rushbrook-Williams, Prof. L. F.
Datta, Dr. S. K.	Sams, Mr. H. A.
Duval, Mr. H. P.	Sastri, Diwan Bahadur C. V. Visvanatha.
Fleming, Mr. E. G.	Singh, Rai Bahadur S. N.
Gidney, Lieut.-Col. H. A. J.	Sykes, Mr. E. F.
Hezlett, Mr. J.	Tonkinson, Mr. H.
Hindley, Mr. C. D. M.	Tottenham, Mr. G. R. F.
Hira Singh, Sardar Bahadur Captain.	Webb, Mr. M.
Holme, Mr. H. E.	Wilson, Mr. R. A.
Hudson, Mr. W. F.	
Hussanally, Khan Bahadur W. M.	

The motion was adopted.

RESOLUTION *RE* ABOLITION OF THE COTTON EXCISE DUTY—*contd.*

**Mr. President :** Pandit Madan Mohan Malaviya. The Member is not here. The third Resolution is the resumption of the adjourned debate on the Resolution of Mr. Kasturbhai Lalbhai on the cotton excise, which he originally moved on the 20th of March 1924 in the following terms :

“ That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date.”

**Mr. Kasturbhai Lalbhai** (Ahmedabad Millowners' Association: Indian Commerce): Sir, it is after a comparatively long time that the debate on my Resolution is being resumed and I shall, with your permission, claim the indulgence of the House to touch on the salient features of my case:

“ The Indian excise on cotton ”, to quote the majority report of the Indian Fiscal Commission, “ raises issues which cannot be decided solely

[Mr. Kasturbhai Lalbhai.]

on economic grounds." The past history and the associations of this impost are too well known to need any recapitulation. The cotton excise has a political significance well understood by all concerned and the duty must therefore go as a first earnest of the changed angle of vision in the principles of the Government of India.

The matter has been discussed a good deal in the press and it needs no further proof to show what way the current of public opinion goes or how strongly the public feels in the matter. We have, however, the fact that the Government of India have already more than once accepted the principle of abolition of this duty, both prior to their acceptance of the principles of protection as also subsequent to that. Official memory, Sir, is believed to be short in the redemption of pledges and I may therefore be excused a repetition of the pledges just with a view to refresh the memory. A declaration was made by the Government of Lord Harding in 1916. In 1922 the policy underlying the declaration was not only reaffirmed but further the Government Member in charge of the Finance portfolio admitted all the theoretical arguments against the continuance of the duty. He also admitted that it is not a good tax because it is a tax on production and not on profits. He only wanted six months' time to have a scientific readjustment. In 1923 also definite hopes of an early abolition were given. But in 1924—a year of a balanced budget—the question of abolition was brushed aside as beyond the pale of practical considerations. If I were, Sir, pleading my case in a court of law, I would have immediately got judgment in my favour on such admissions of a defendant and the contention of Government would have been ruled out under the well-known legal doctrine of *res judicata*. No court of justice, I believe, would allow an unsuccessful defendant to put off or evade the execution of its decrees.

The duty is also undesirable according to the accepted canons of sound taxation. It is a tax on production and hits particularly inequitably in times of depression. Last year the Bombay mills made losses of 117 lakhs of rupees out of which the excise duty alone was responsible for 100 lakhs. But for this tax to-day we would be able to lower our prices of the poor man's cloth reduce accumulation of stocks and avoid the consequent closing of mills. Past experience has shown that in times of depression the excise tax which adds to his losses induces the manufacturer to close his business to minimise such losses, and that step brings in its train unemployment to poor labourers. It also leaves permanent marks by disorganisation of labour and consequent loss of efficiency. It is a tax on the poor man's necessity. It is a tax on the only industry which can be looked upon as an insurance against famine and its incidence falls unduly heavily on the poor classes of the community.

We may also here pause for a moment and compare the progress made by Japan and America during the past 30 years with the progress made by India. While these countries are supplying the needs of their home population and cater largely for foreign consumers, the Indian textile industry, though growing for the last 60 years with the help of steam and the oldest in the world if we take hand-loom into account, does not meet more than 60 per cent. of India's normal requirements. We have been steadily losing our foreign markets in China, East Africa and other

places. It would not be out of place, Sir, to mention here that just before the advent of British rule in this country, Indian cotton goods used to supply the demand of this country in full and commanded a large export trade throughout the civilised world. These days are no more and though the hand-loom industry is now relied upon as a plank to retain the iniquitous cotton excise impost the exponents of this theory conveniently forget that it was the fiscal policy imposed by Britain on this unhappy land that proved its ruin.

Sir, I may be permitted to assure this House that cotton millowners having spinning departments in their factories are particularly interested in the uplift and the welfare of the indigenous hand-loom industry. It provides a valuable outlet for our surplus yarn which has been shut out from China and Japan. I wish every encouragement to be given to this deserving cottage industry to which the villager is able to devote his leisure hours without being cut off from his home surroundings. But, Sir, has this industry received any consideration from the Government of India so far? I need only refer to the free list in the Import Tariff Schedule of the Government of India to convince the House of the treatment they give to this industry. Government have been pleased to forego import duty on a number of articles ranging from certain agricultural implements and dairy appliances of the improved type to hops which I imagine are used for the manufacture of beer. Uniforms for Government officials, the cloth of which will bear an excise duty if made in India, comes free of any duty if imported from abroad but I find no mention of hand-looms or their parts in the whole of the tariff. Nay, the House will be surprised to learn that cotton mill machinery parts, which otherwise pay an import duty of  $2\frac{1}{2}$  per cent., are charged at the full rate of 15 per cent. if by any chance the customs officer at the port finds that they can possibly be used on a hand-loom even though they may be imported by a cotton millowner. Sir, this plea of the hand-loom is only brought in to retain an unjust impost which cannot be supported on any other ground, moral or economic.

In view of these facts, Sir, I submit very pertinently to ask for the repeal of the cotton excise duty and more pertinently so when we remember that Indian cotton mills have to meet the inroads on our home market by bountified foreign competitors. This impost is more acutely felt in times of depression when even a small margin counts in keeping the industry going. As a matter of fact, the excise duty comes to 5 per cent. on the paid-up capital of the mills which every cotton mill is called upon to pay irrespective of profit or loss.

It is a shortsighted policy to stick to the duty only for the present revenue it may bring in. If the Government do not realise the danger of outside competition in its proper perspective, the responsibility for strangling the pioneer industry of the country will rest with the Government. Let the question be therefore not looked at from a narrow view point of the financial need of the hour. I would with all the earnestness I can command appeal to the Government to take a sagacious and farsighted view of the question and apply themselves to the task of adjusting their finances to the abolition of the duty.

**Pandit Shamlal Nehru** (Meerut Division : Non-Muhammadan Rural):  
Sir, I rise to support my Honourable friend Mr. Kasturbhai Lalbhai. It is a well known fact that the Indian manufactures in the 18th century

[Pandit Shamlal Nehru.]

were superior to the manufactures of other countries produced by the finest machinery. I do not propose to repeat the well-known reasons, which have been so often repeated in this House, but I only want to give you a few quotations from the speeches and writings of well-known persons and papers. Mr. Romesh Chandra Dutt, whose writings on the subject of Indian economic history probably had the greatest influence in India than that of any other author, remarks :

“ India in the eighteenth century was a great manufacturing as well as a great agricultural country and the products of the Indian looms supplied the markets of Asia and of Europe. It is unfortunately true that the East India Company and the British Parliament, following the commercial policy of a hundred years ago, discouraged the import of certain Indian manufactures in the early years of British rule in order to encourage the rising manufactures of England. Their policy was to make India subservient to the industries of Great Britain and to make the Indian people grow raw produce mainly in order to supply material for the looms and manufactories of Great Britain. This policy was pursued with unwavering resolution and with fatal success.”

Now, how that success was attained can be gauged from the fact of the number of laws made in England for keeping away the manufactures of this country from England. I will quote only one or two instances. For instance, when the warehousing system came into force in England, the warehousing duties were :

	£	s.	d.
On Muslins, plain ; Nanquin cloths, Muslins, white calicoes, flowered or stitched, per £100 value .. ..	7	10	0
(In addition 3 per cent.)			
Plain white Calicoes and plain white Dimity, per £100 value .. ..	2	10	0
Cotton Manufactures not enumerated, per £100 value .. ..	2	0	0
<i>In addition to this, the duty for home consumption was :</i>			
Calicoes, plain white, for every piece .. ..	0	6	8
and besides for every £100 value, the duty was .. ..	20	19	1
Cotton manufactures, not enumerated, in addition to other duties, per £100 value .. ..	122	0	0
Dimity, plain white the yard .. ..	0	2	0
and besides per £100 value .. ..	22	3	6
Muslins, plain ; Nanquin cloths, Muslins, white calicoes, flowered or stitched per £100 value .. ..	19	13	9

If you work out the average, I think it will be very much over 100 per cent. for every £100 value of goods received from India. Even this was not successful in England. The wearers wore the Indian cloth only and the sellers always imported the Indian cloth. Later on, there was another law making it penal for anybody, for any inhabitant of England, to wear cloth manufactured in the East Indies, and the penalty was £500 for each offence, for the seller as well as the wearer. This is how the industries of this country were crushed. Again, when machinery was introduced in England on a larger scale, it was necessary to find a market for the products of England. India, as is always the case, was the easiest thing to manage. Unfortunately, there were some people in India who had started their mills and wanted to compete with the British manufacturers. To introduce English goods into India was not so very easy as they had imagined. It was easier to stop the sale of Indian goods in England, but it was not so very easy to compete in India with its cheaper labour and its shrewder *baniyas* than the English *baniyas*, and therefore this counter-

vailing duty was put on. Now, Sir, I am not giving my own opinion ; I am only giving you the opinions of a few well-known people as I have said before. Even the *Times* of London on the 5th March 1917 wrote :

"The Indian cotton excise duty has always been politically, economically, and, above all, morally indefensible..... It has made a grave breach in the moral basis of the British control of India. It was deeply resented from the outset and has remained an open sore. At the bidding of Lancashire, the Hindu peasant has had to pay more for his clothing for twenty years because, although it is made in his own country, it is subject to an excise duty. The better classes, who wear Lancashire products, have gained the benefit because, until now, the cotton duties have been unduly low..... We have repeatedly sought to warn both Lancashire and past Governments that India, where public opinion is now awake and alert, would not for ever tolerate a tariff dictated by English considerations."

It is no Indian that has written this. It was a greater " friend " of India than the *Friend of India* (the *Statesman* of Calcutta) which writes this. Mr. Bonar Law's views are these :

"We have imposed in India excise duties on cotton corresponding to the import duties. Lord Crewe, as a member of the Government which lives in a world of make-believe, is able to say to India, 'We put on these excise duties for your benefit ; everything is well'—though he knows it is not true, and there is no Indian who does not know that it is untrue. How is it possible to believe it ? Everyone who has studied the Press, or who has studied the debates at the time these excise duties were introduced knows that they were put on for the protection of Lancashire, and it proves that our object was to prevent Indian manufacturers from getting any advantage. Otherwise excise duties would have been put on everything ;.... These excise duties are detested in India. They are detested not so much because they give us equality of treatment, but because of the annoyance and inconvenience which they cause, and every one in India would rejoice to see them removed."

These are the opinions of very well-known people, one of them an ex-Prime Minister of the British Empire. I have given the opinions of so many people. Only yesterday, a friend of mine was telling me that by taking off these excise duties you will be enriching the Indian millowners at the expense of the poor. I do not know how that is possible. The poor will remain as they are, but if the excise duty is taken off they will get, I think, slightly richer. If the Indian millowner reduces the price of cloth correspondingly, the poor will have to pay less in future than what they are paying. I am no advocate for the Indian millowner, or for the matter of that, the British millowner. Both of them are profiteers and do not treat their employees well enough. I am siding with the Indian millowner for the simple reason that the cloth here will be slightly cheaper. Besides, the money which flows out of my country and which has no chance of ever being recirculated in the country, will stop in the country and there will be a chance of its recirculation among the people. As for the benefits to be conferred or which ought to be conferred on their employees by the Indian millowners, that question does not now arise. I hope however that it *will* arise in the Delhi session, and then we will have to say a lot as to what ought to be done. But at present this excise duty for many reasons very well-known to Government benches as well as to others, should be taken off immediately.

**Rai Sahib M. Harbilas Sarda** (Ajmer-Merwara : General) : I rise to support the Resolution. Sir, the Resolution consists of two parts. The first is a recommendation to abolish the cotton excise duty. The second is a recommendation that the question of protection to the cotton mill industry in India be examined. The first part has a sort of finality about it in that it recommends that the cotton excise duties should be finally abolished. The second part only asks that the question of protection being given to

[Rai Sahib M. Harbilas Sarda.]

the industry be examined, and does not recommend that protection be given to the cotton industry. It has been said, and it has been constantly dinned into our ears, that the abolition of the cotton excise duty is nothing more than the righting of a wrong done years ago when the excise duty on cotton was imposed not by the free will of the Government of India but at the dictation of Lancashire. If that is so, I am surprised that Honourable Members in this House should have made the acceptance of the motion to abolish this excise duty subject to certain conditions—a condition that the owners of mills who would profit by the abolition of this excise duty should either pay a certain amount to Government or give concessions to their employees. If this House is going only to right a wrong that was done, I do not see that the undoing of the wrong should be subject to any conditions. I will give a little illustration. Suppose a man is fined by a judicial court and pays Rs. 5,000 as a fine into the treasury. He appeals to the higher court and the appellate court remits the fine and sets aside the lower court's judgment. Will it be fair or just for the judge or the public prosecutor or for the spectators in the court to demand that before that man is reimbursed, before the fine is paid back, he shall pay a certain amount either to Government or the court officials, or to his servants, or to the public present in the court? In the present case the fine paid is not even returned. If we are only righting a wrong, if we are only doing now what should have been done long ago, there is no reason why we should attach any conditions to the abolition of the excise duty. The excise duty should, if it is wrong, be abolished. If the labour is entitled to concessions or entitled to certain rights, let that question be decided on its own merits. I think the righting of this wrong should not be subject to conditions of any kind.

**Mr. Ahmad Ali Khan** (Assam : Muhammadan) : The genesis of this duty must I think be known to the Honourable Members here but I venture to think it would bear repetition. In 1895 the Government of India were compelled by financial stress to re-impose the greater part of the 5 per cent. tariff on imports but they excluded the coarser cotton fabrics at that time. Later on those cotton fabrics had to be included and eventually the Government had to agree to the levy of a countervailing excise duty of 5 per cent. on cotton fabrics manufactured in the Indian power mills. In 1896 that duty was lowered to 3½ per cent. at which figure it now remains. Rightly or wrongly, most people believe that the excise duty imposed on India is for the selfish benefit of the British manufacturers and under pressure of the British politician. They believe that the Englishmen here have hitherto been able to find and always find some excuse to retain that excise duty. I strongly support the first part of the Resolution that the duty should be abolished at the earliest possible moment. My reason for taking up that position is this, that this duty has done great harm and that no measure has brought greater discredit to the British Government in this country than this excise duty on Indian manufactured cotton. It has formed the principal plank in the agitation in many quarters in this country and the sooner this duty is done away with the better for all parties concerned. An argument often urged in its favour is that the duty is a small one, only 3½ per cent. A Parsi gentleman, the late Mr. Jamsetjee Tata, worked out the figures and arrived at the conclusion that although the duty is a small one, its effect on capital is equivalent to a 7½ per cent. tax, that is to say, it has had the effect of retarding the

flow of capital into cotton mills in this country. Another argument in favour of the abolition of the duty is that it raises the price of cheaper Indian fabrics in this country without benefiting the Lancashire workers because it is a commonplace that the Indian mills in this country do not produce the finer fabrics that have to be imported from outside. The competition to the extent that exists is very slight indeed.

With regard to the second portion, in which Mr. Kasturbhai proposes to direct the Tariff Board to examine the question of protection, I am not in agreement with that portion of the Resolution. I believe the cotton mills here are well in a position to look after themselves and that now or in the immediate future they cannot need the assistance of a tariff wall. The market is near at home ; the raw material is at their door. Therefore, Sir, I cannot accept the second part of the Resolution. These are my reasons for supporting the first part to the Resolution.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : I claim to come from a constituency in which not hundreds or thousands but hundreds of thousands are weavers by profession subsisting on their hand-loom alone. I refer to this because during the Delhi session Mr. Bell, who then happened to be in this House, from Bombay, stood up and claimed to speak as in special sympathy with the interests of the hand-loom weaver. I hope I shall not be failing in duty to the hand-loom weaver who, as I said, forms by no means an inconsiderable percentage in my own constituency and in fact I should think in any rural constituency in India. Therefore if on this occasion I do give my support to the Resolution moved by my Honourable friend Mr. Kasturbhai it is not that I am indifferent to the interests of the hand-loom weaver or that I wish that the mill-owner at the cost of the hand-loom weaver should be given any special facilities. I support this motion because I feel convinced from the facts and figures that I have had access to, that the motion on its own merits does deserve the support of every true Indian interested in national progress. I do not desire, and indeed I believe it is unnecessary at this moment, to go into the past history whether in general of the textile industries of this land, or into the past history even of this particular cotton excise duty. It is admitted on all hands that this duty has had a very iniquitous origin, it is admitted on all hands that its continuance for so many years has been quite indefensible. The question now before us is, taking the present conditions of the country into account, taking the fiscal arrangements at present obtaining in the country, whether it is necessary to keep on this duty which was, as I said, iniquitous in origin and indefensible in continuance for many years at least. There are only two or three issues that seem to arise in this connection. The first is whether any further increase of prosperity in the present condition of the mills would jeopardise the progress of the hand-loom industries ; whether the removal of this cotton excise duty will only be simply enriching those who are already rich, and lastly what exactly is going to be the gain to the country at large and to the labourers in particular. These questions have been more than once raised. Facts and figures were advanced as I referred to in Mr. Bell's speech ; it was a very interesting speech which many Members are likely to remember. I desire on this occasion to point out that some of the facts and figures laid before us during the debate at Delhi by Mr. Bell have been very well answered by my friend Mr. Manmohan-



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das Ramji of Bombay. I hope the pamphlet has been circulated to all Members of this House containing Mr. Bell's speech and the crushing reply to that speech. The points seem to be these. It is not denied by the millowners themselves that the mill industry in India has had a fairly progressive career, that the mills in India have been advancing in prosperity from year to year. It is not denied at the present moment, as everybody knows that there are three sources from which we get all the cloth that we want—the mills, the produce of the hand-looms and imports from foreign countries, and here are some figures that I have noted. It is true that in 1896-97 the mills in India produced only 275 million yards: the hand-looms contributed 800 millions and the imports amounted to 1,925 millions of yards. This was some 26 or 27 years ago, and the figures for 1921-22 are as follows: The mills have given us 1,525 millions of yards, the hand-looms 1,000 millions and imports 1,200 millions of yards. The percentage in 1896-97 was as follows: The mills contribute 9 per cent. the hand-looms 27 per cent. and imports 64 per cent. of the total consumption of cloth in India. In 1921-22 the mills contributed 41 per cent., the hand-looms 26 per cent. and imports 33 per cent. It is not denied, and I for one am glad of it, that the imports have fallen off considerably. They have fallen from 64 per cent. in 1896-97 to 33 per cent. in 1921-22; and it is apprehensively argued that the great prosperity of the mills has brought down the quantity of foreign imports. But I do wish to raise this question in the national interests whether or not it is desirable that India should produce all the cotton cloth that her children need. Is it a sin, is it a crime if the foreign imports have fallen from 64 to 33 per cent? I would ask most solemnly and seriously why there should be a single yard of cloth imported into my country which produces enough and more than all the cotton required for her children. It is a standing disgrace that this country which perhaps produces more cotton than any other single country in the world, and if not so much, at least more than her children need,—it is a standing disgrace that we should import 1,200 millions of yards of foreign cloth, or 33 per cent. of our requirements. Therefore I am not at all staggered by this fall in imports. I welcome it and rejoice over it. I would welcome the coming of the day when there will be no foreign imports at all. And if we can do anything to bring down the imports still further I would strongly urge upon every man who really loves this land and every Britisher who claims to really love this country although this is not his own country, to do his utmost to see that this country now, as in the ancient past, produces all the cloth that her children want. I want for a moment to dispel the illusion that some people have that the growth and prosperity of the mills will bring down the prosperity of the hand-looms. As I have said, here are the figures. In 1896-97 the hand-looms produced only 800 millions, and in 1921-22 1,000 millions of yards. There has been therefore, so far as bare quantity is concerned, a certain increase. There has been of course an all-round increase in the consumption. The percentage was 27 in 1896-97 and 26 in 1921-22. There has not been therefore any considerable fall such as should excite the fears of those who claim to be great supporters and sympathisers of the hand-loom industry. Now, I want to draw the attention of this House to one further point, namely, that the hand-looms produce fabrics of a kind which I think are not generally affected by mill produce. If I am not mistaken, my informa-

tion is that the yarn produced in the mills is of very much lower count, not above 24; while that in the hand-loom—at least I know in the most important town in my constituency, the ancient town of Conjeveram, where I believe there are not less than 10,000 hand-loom weavers—is of very much finer quality. In Salem, Coimbatore, Madura, and many of those noted places, the hand-loom weavers do not take up coarse yarn. They take very fine yarn and mix it up with silk and lace and manufacture fine cloths, especially the exquisite *saris* that our ladies wear. The yarn of the hand-loom, as I have said, is very fine yarn, while the yarn used in the mills generally is of a much lower count. Therefore hand-loom generally will not be affected considerably by the growth of the mill industry. In any case, Sir, I desire that as far as possible we should clothe ourselves with our own products.

Lastly, is it desirable that the mill-owners who are supposed to be already very rich should be made still richer? Is it desirable that one crore and 86 lakhs should be taken away from the Government coffers and put into the coffers of these rich mill-owners of Bombay and Ahmedabad? I do not fear the implication. It is asked, what is going to be the advantage to the labourer. I do believe that during the war and during those years when these mill-owners were making very large profits they did give some kind of special bonuses to the labourers, which I think were withdrawn in 1922-23. If I am not mistaken there was a committee appointed by the Government of Bombay to inquire into this very question, whether the profits made in 1922-23 were such as to warrant the continuance of the bonus. It was presided over, I think, by the Chief Justice of the Bombay High Court, and he came to the conclusion that the profits made during 1922-23 were not such as to warrant the continuance of the bonus. Now, even if the labourers want more—I am sorry my friend Mr. Joshi is not here, for he claims to be a great friend of mill labourers, though I can claim to be as great if not a greater friend to them than he—it is only when the mills make very good profit that the labourers can get a bonus or any other improvement in their status and condition and pay, etc. After all, Sir, what are the mill-owners of Bombay? Is there any single millionaire in Bombay, any one single individual, any great rich man in India that can at all compare with the rich men of the west? There are no Rothschilds or Rockefellers here, none of those fabulous rich men in India. I wish that there may be many more rich men in India, even though they may be mill-owners. It is not a sin to be a mill-owner. I do believe that the mill-owners of Bombay, many of them, did with a very good heart contribute very munificently to the Tilak Swarajya Fund of Mahatma Gandhi three years ago. I am confident that as long as they are rich—and I wish they should grow ten times richer than they are to-day—I am sure they will contribute amply to the national resources. I have also facts and figures to show that when they made good profits, they also reduced the price of the cloth they were selling. I do not propose to weary the House, but I think, generally speaking, the price per yard turned out in the mills has always been less than the price per yard of imported cloth. I find it has always been one anna, sometimes two annas, less than the cost of the imported cloth; thus in the years 1914, 1915, 1916 and 1917, there have been considerable reductions; and I doubt not that in the coming years, if the mill-owners are able to make really good profits—their books ought to be able to show how much they are making—they will be able to, they will be forced to, they will be willing also I hope, to reduce the price of cloth

[Mr. M. K. Acharya.]

per yard so that the poorer people can get cheaper cloth ; and our endeavour ought to be to increase the output of the mills, to increase the output of the hand-loom factories also ; to ask these mill-owners also to spin sufficient yarn for sale and supply it to India's hand-loom weavers, so that the hand-loom weavers would not go and look for the imported yarn for keeping their hand-looms going. The mills therefore must spin more yarn for the use of hand-looms, and they must produce more cloth for the use of people in this country ; and I trust the time will soon come when we shall be able to have our own cloth ; and it is in that direction that I wish that this House should give every impetus. And it is because I believe that the removal of the cotton excise duties will give that kind of impetus towards this great national industry, this vital industry, the cloth industry of India, that I rise to support this motion.

Lastly, I shall say just one word, and that is that I sincerely believe that nobody will raise this bogey of Rs. 1,68,00,000, and say,—“how are the Government going to make it up”. I say, “cut down expenditure”. That will be a most welcome way so far as we on this side of the House are concerned. We must help the national cloth industry, and even if there is a loss of revenue, the Government must either cut down expenditure or they must find out other ways and means. (*Diwan Bahadur T. Ramgachariar* : “What other means?”) I am not concerned with that, probably Mr. Ramgachariar may be able to find out ways and means in connection with the next Budget. I don't want to usurp the functions of the Finance Member. We are here now to protest against this iniquitous tax. Its iniquity has been admitted,—I will just quote a few lines from the speech of Sir Malcolm Hailey. Sometime ago the Honourable Sir Malcolm Hailey said in this House :

“I will admit all the grounds against the cotton duty. I admit that it has an unhappy history. I admit that it is not a good tax, because it is a tax on production and not on profits.”

After that admission from a responsible Member of the Government, I do not believe it will be open to any Member to say that it is a tax which is not objectionable. The only thing that can be urged is that “somehow or other, rightly or wrongly, viciously or righteously, the tax has been imposed for 20 or 30 years : why not continue it some time longer ?” If you are convinced that it is an iniquitous tax, you are wrong in continuing it, the sooner we do away with it the better ; and this House will not start upon a new and pure regime in a better way than by getting rid of this iniquitous tax. The mill-owners will then have the sense of justice and righteousness to do what they ought to do towards the labourers on the one hand and towards the country in general on the other. I trust and implore that every Member of this House who agrees in the general question, who feels strongly on the subject of the national prosperity of India so far as its most important and essential industry is concerned, will give his unhesitating and cordial support to the motion that is before the House.

Mr. President : I do not propose to ask the House to sit late tonight as this debate will be carried over in any case to the next day, for non-official Resolutions, that is, Wednesday. This House now stands adjourned till 11 A.M. to-morrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 23rd September, 1924.

# LEGISLATIVE ASSEMBLY.

*Tuesday, 23rd September, 1924*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### TOLL ON THE BENGAL AND NORTH WESTERN RAILWAY BRIDGE OVER THE GUNDUK.

2339. **\*Mr. Gaya Prasad Singh :** (a) With reference to my starred question No. 1116 of the 30th May 1924, regarding the toll on the B. N. W. Railway bridge over the Gunduk between Sonepur and Hajipore, is it not a fact that on the recommendation of the District Board of Saran, supported by the Commissioner of the Tirhut Division (in his letter No. 3036, dated the 8th December 1922), the Secretary to the Government of Bihar and Orissa, Irrigation Department, Railway Branch, moved the Agent, B. N. W. Railway, Gorakhpur, for making the bridge free, noting in the concluding portion of his letter No. 83,vi-i of 1923, C. I. R., dated the 16th May 1924, the following :

“ I am to say that H. E. the Governor in Council will be glad if the Agent, B. N. W. Railway will give the matter his personal attention, and pass orders for the abolition of the toll bar on the bridge in question ” ?

(b) Is it not a fact that the Government of Bihar and Orissa, in their letter No. 1341|VI, dated the 7th March 1924, have moved the Government of India, Railway Department, for the abolition of the toll bar in question ; and will the Government be pleased to lay a copy of this letter as well as of the letter referred to in (a) above on the table, together with other correspondence on the subject ?

(c) Are Government aware that letter No. 757-T., I. S. G., dated 6th September 1910 of the Bengal Government, Municipal Department, lays down the undesirability of levying a toll bar on Railway and other bridges for a longer period than 20 years ; and will the Government kindly place a copy of it on the table ?

(d) Is it not a fact that the B. N. W. Railway bridge over the Ganges at Cawnpore is free ? And if so, since when ?

**Mr. A A L. Parsons :** (a) Government have not received copies of the letters referred to.

(b) Yes. The correspondence is proceeding, and cannot be published at this stage.

(c) It has been ascertained from the Bengal Government that the circular in question has not been interpreted as laying down any hard and fast rule and that instances have occurred where tolls have been allowed for more than 20 years.

(d) The tolls on this bridge which is owned by the Oudh and Rohilkhand Railway and not by the Bengal and North Western Railway Company were abolished in 1907.

**OPIMUM POLICY OF THE GOVERNMENT OF INDIA.**

2340. \***Maung Tok Kyi** : (a) Has the attention of the Government been drawn to Reuter's telegram, dated London 27th August 1924, announcing that Sir John Jordon on behalf of Britain, submitted a suggestion that the quantity of Indian opium exported to the States regulating opium smoking should be reduced by 10 per cent. per annum for a decade and the Governments of Japan and Siam and Powers with possessions in the Far East should be requested to reduce their consumption of opium at the same rate, and that the suggestion was opposed by Mr. Campbell on behalf of India ?

(b) If it has, will the Government be pleased to state if Mr. Campbell opposed the suggestion under their own instructions ?

(c) Will the Government be further pleased to state whether or not they are prepared to revise their opium policy on the lines suggested by Sir John Jordon ?

**The Honourable Sir Basil Blackett** : (a) to (c). I would refer the Honourable Member to parts (a) and (b) of the reply which I gave to Dr. S. K. Datta's question on the 19th September 1924, No. 2217.

**AGREEMENT WITH THE ORIENTAL TELEPHONE AND ELECTRIC COMPANY, LIMITED, RANGOON.**

2341. \***Maung Tok Kyi** : (a) Will the Government be pleased to state in what year they entered into an agreement with the Oriental Telephone and Electric Company, Limited, Rangoon ?

(b) Will the Government be also pleased to state how many times that Company has raised the rate of annual subscription for exchange connection since that year ?

(c) Will the Government be pleased to lay on the table a copy of the agreement made between them and the Company ?

**Mr. H. A. Sams** : (a) The license was granted in 1884.

(b) Alterations in the rates of annual subscription per connection are as follows :

Year.							Annual rate of subscription per connection.
							Rs.
1884	..	..	..	..	..	..	250
1902	..	..	..	..	..	..	150
1918	..	..	..	..	..	..	200
1923	..	..	..	..	..	..	250
1924	..	..	..	..	..	..	300

(c) I shall be glad to show the Honourable Member in my office a copy of the license granted to the Company in 1884 together with a copy of its subsequent renewals.

THE MAHA BODHI TEMPLE AT BUDDHAGAYA.

2342. \***Maung Tok Kyi** : (a) With reference to the answer given to my question No. 370 (b) on the 18th February 1924, regarding the Maha Bodhi Temple at Buddhagaya, will the Government be pleased to state if they have come to any decision ?

(b) If not, may I beg to inquire when they may be expected to come to a decision ?

**The Honourable Sir Alexander Muddiman** : The memorials referred to in the reply given by my predecessors have since been disposed of. The Government of Burma have been requested to inform the memorialists that the management and control of the Temple is a matter which must necessarily be left for settlement by the communities concerned.

APPLICATION OF LALA GOPAL KRISHAN FOR ENROLMENT AS A PLEADER IN THE NORTH-WEST FRONTIER PROVINCE.

†2343. \***Lala Duni Chand** : (a) Is it a fact that L. Gopal Krishan, pleader, Bhakkar, and resident of Dera Ismail Khan District, applied to be enrolled as a pleader, to the Judicial Commissioner, North-West Frontier Province in the year 1923 ?

(b) Is it a fact that his application for being enrolled as a pleader was rejected on the ground that he did not belong to N. W. F. Province, though as a matter of fact he did belong to it ?

(c) Is it a fact that on his making a representation again and pointing out the incorrectness of the ground on which he was refused enrolment, his application was again refused ?

(d) Are the Government prepared, under the circumstances, to ask the Judicial Commissioner to reconsider his case ?

APPLICATIONS FOR ADMISSION AS PLEADERS IN THE NORTH-WEST FRONTIER PROVINCE.

2344. \***Lala Duni Chand** : (a) Are Government aware that in the N. W. F. Province, applications for admission as pleaders are entertained only once in a year by the Judicial Commissioner, while in other Provinces, the High Courts receive and decide similar applications at any time they are presented ?

(b) In view of the fact that this practice works hardship on those who may be entitled to practise as pleaders in N. W. F. Province Courts, are the Government prepared to invite the attention of the Judicial Commissioner to this matter with a view to his removing this hardship ?

**The Honourable Sir Alexander Muddiman** : With your permission, Sir, I will answer Questions Nos. 2343 and 2344 together.

The information required has been called for from the Local Government and will be communicated to the Honourable Member when received.

RESTRICTIONS ON THE ENROLMENT OF PLEADERS IN THE NORTH-WEST FRONTIER PROVINCE.

2345. \***Lala Duni Chand** : Are Government aware that in N. W. F. Province only a limited number of pleaders is admitted, while there is

† For answer to this question—see answer below question No. 2344.

[Lala Duni Chand.]

no such restriction in other Provinces, and if so are the Government prepared to refer the matter to the Judicial Commissioner with a view to his removing this restriction ?

**The Honourable Sir Alexander Muddiman :** The enrolment of pleaders in the North-West Frontier Province is regulated by rules made by the Local Government under section 9 (2) of the North-West Frontier Province Law and Justice Regulation, 1901 (VII of 1901). In practice the number of licenses granted is limited to the probable requirements of litigants. The objects of this limitation are (1) to assure to every legal practitioner to whom a license is granted a reasonable expectation of earning a living and (2) to prevent fouling and the fostering of unnecessary litigation. The question of amending the rules is under consideration.

**Diwan Bahadur T. Rangachariar :** When do the Government expect the North-West Frontier Province to become a civilised province ?

**The Honourable Sir Alexander Muddiman :** When we cease to have riots and things like that, Sir.

**ALLEGED HIGH-HANDEDNESS OF ARBAB MOHAMMAD AKRAM KHAN, HONORARY MAGISTRATE, PESHAWAR DISTRICT.**

2346. \***Lala Duni Chand :** (a) Are the Government aware that since May 1923, repeated representations have been made by a large number of *Kazi Khels* of village Landi Yarghajo, Tehsil and District Peshawar, against the high-handedness of the local Honorary Magistrate, Arbab Mohammed Akram Khan, praying for exemption from being tried in his Court, and that hitherto no heed has been paid to their representations ?

(b) Are Government prepared to take any steps in the matter ?

**Mr. H. A. Sams :** Inquiry is being made from the Local Administration and the information will be supplied to the Honourable Member in due course.

#### NEW STORES PURCHASE RULES.

2347. \***Dr. H. S. Gour :** (a) Has the attention of the Government been drawn to the fact that the Stores Rules recently published are in absolute contravention of the Resolution supported by every section of non-official opinion in the Assembly at the Delhi session ?

(b) Will Government be pleased to state whether the London Stores Department is absolutely independent of the Indian Stores Department in practice and not a branch of it as was desired by non-official opinion ?

(c) Will Government be pleased to state whether under the new Stores Rules it is open to a purchasing officer of a Department to send his indent directly to London without any reference to the Indian Stores Department ?

**The Honourable Mr. A. C. Chatterjee :** (a) Presumably the Honourable Member is referring to the Resolution regarding rupee tenders for Government stores which was adopted in this House on the 14th February 1924. I made it clear during the debate on that Resolution that the Stores Purchase Rules had been revised before the date of the debate. The recommendations made by the Assembly on that occasion are now under consideration.

(b) Both the London and the Indian Departments are under the Department of Industries and Labour.

(c) Yes : but purchasing officers are required at the same time to send a copy of their Home indents to the Indian Stores Department for scrutiny.

**Dr. H. S. Gour :** Are the indents that are sent to the Indian Stores Department for scrutiny made public, so that the Indian industries might be able to see as to how far they are able to comply with the terms of the indent ?

**The Honourable Mr. A. C. Chatterjee :** They are not made public in that form, but lists are periodically published of indents that have been sent to England in a more connected form and for the better guidance of Indian manufacturers.

#### PURCHASE OF RAILWAY STORES BY THE INDIAN STORES DEPARTMENT.

2348. **\*Dr. H. S. Gour :** (a) Will Government be pleased to state whether Sir Charles Innes declared in March 1922, that when the Indian Stores Department was established, it would make all purchases not only for State Railways but also for Company managed Railways ?

(b) Will Government be pleased to state what amount of purchases for railways has been made by the Indian Stores Department in the last three years ?

(c) Will Government give a final definition of their policy on the question of purchases for the Railways to be made by the Indian Stores Department ?

**Mr. A. A. L. Parsons :** (a) The statement made by Sir Charles Innes appears in Vol. II, No. 39 of the Legislative Assembly Debates of the 2nd March 1922, and was as follows :

" If this Indian Stores Department is established it will purchase for the State Railways all railway materials which can be procured in India. Further, if that Indian Stores Department is properly organised, if we have proper machinery and intelligence, and above all inspection, if that Department acquires the confidence of other great consuming Departments, especially the Company Railways, then the Stores Department would be mainly occupied in buying railway material not only for State Railways but for Company Railways also."

(b) The Indian Stores Department was constituted in 1922, and the purchases made on behalf of Railways during 1922-23 which were confined to textile goods amounted to Rs. 37,825. During 1923-24 the total value of the purchases Engineering and Textile for Railways amounted to Rs. 9,42,237. During the five months of the current year purchases have amounted to Rs. 3,27,539.

(c) The Honourable Member is referred to the reply given in this Assembly on the 17th instant to parts (f) and (g) of Mr. Neogy's question and to the reply given on the 22nd instant to part (b) of Mr. Willson's question on the same subject.

#### PURCHASE OF STORES BY PROVINCIAL GOVERNMENTS.

2349. **\*Dr. H. S. Gour :** (a) Is it true that the Stores Rules as now published and practised do not compel the Provincial Governments to make any reference to the Indian Stores Department for their purchases if they do not want it ?

(b) Is it true that all Provincial purchases can go to London by way of indents altogether independent of the Indian Stores Department ?



**The Honourable Mr. A. C. Chatterjee :** The reply to both parts of the question is in the affirmative.

#### PURCHASE OF MILITARY STORES BY THE INDIAN STORES DEPARTMENT.

2350. **\*Dr. H. S. Gour :** Will Government be pleased to state what percentage of the total material purchased for the military is purchased by the Indian Stores Department ?

**Mr. E. Burdon :** An endeavour is being made to obtain the information desired by the Honourable Member. I will let him know the result as soon as possible.

#### ABOLITION OF THE INDIAN STORES DEPARTMENT.

2351. **\*Dr. H. S. Gour :** (a) Will Government be pleased to state whether it is their intention to abolish the Indian Stores Department and to revert to the old practice of all purchases being made according to the Stores Rules fixed by the Secretary of State in London and largely through the Stores Department in London ?

(b) Will Government be pleased to state what constitutional difficulties they had in securing the organization of the Indian Stores Department and to lay on the table all correspondence that has passed with the Secretary of State with regard to the establishment of the Indian Stores Department and the recent Rules which have been published ?

**The Honourable Mr. A. C. Chatterjee :** (a) It is not the intention of the Government to abolish the Indian Stores Department.

(b) No constitutional difficulties were experienced in securing the organisation of the Indian Stores Department. Government are not prepared to lay on the table all the correspondence that has passed between them and the Secretary of State regarding the establishment of the Indian Stores Department and the new rules for the purchase of stores.

#### RULES FOR THE PURCHASE OF IMPORTED STORES.

2352. **\*Dr. H. S. Gour :** (a) Will Government be pleased to state whether they have asked the Secretary of State to abandon his powers under the Government of India Act for making of Rules for the purchase of imported stores ?

(b) How long are Government prepared to allow indents for material to go to London independently of the Indian Stores Department ?

**The Honourable Mr. A. C. Chatterjee :** (a) The Government of India are unable to disclose the correspondence which they have had with the Secretary of State on the subject of the rules for the purchase of imported stores.

(b) The Honourable Member is referred to the answer to part (c) of his question No. 2347 in which I explained that copies of all indents forwarded to London are sent to the Indian Stores Department for scrutiny. It is not considered practicable to make any revision in the existing system at present and the Government are unable to state when it will be possible to alter it. But I may say that the whole question will shortly come under review in connection with the consideration of the question of the action to be taken on the Resolution passed by this House on the subject of rupee tenders.

RUPEE TENDERS FOR GOVERNMENT PURCHASES OF STORES.

2353. \*Dr. H. S. Gour : Have Government definitely rejected the policy of calling for Rupee tenders in India for all Government purchases? If so, why?

The Honourable Mr. A. C. Chatterjee : The Honourable Member is referred to the reply given to starred question No. 2081 by Mr. W. S. J. Willson on the 17th September last.

UNIVERSITY FOR RAJPUTANA.

2354. \*Rai Sahib M. Harbilas Sarda : (a) Will Government be pleased to state whether the proposal to establish a University for Rajputana, for which people throughout the province are anxiously waiting, is likely to materialise in the near future?

(b) If not, will Government be pleased to state what arrangements are being made for the affiliation of the colleges in Rajputana to another University in view of the fact that the Allahabad University is going to sever its connection with them next year?

Mr. H. A. Sams : (a) and (b). The scheme is under consideration locally. A meeting was held at Mount Abu on the 20th June last. The general sense of the meeting was that it would be premature to proceed with the scheme until the possibilities of affiliation with Delhi or Agra had been further explored. The Agent to the Governor General in Rajputana is in communication with the Delhi University authorities, and also with the United Provinces Committee regarding the Agra scheme.

RETRENCHMENT IN AJMER-MERWARA.

2355. \*Rai Sahib M. Harbilas Sarda : (1) Will Government be pleased to lay on the table the Report of the Honourable Mr. Campbell who was deputed by the Government of India to recommend retrenchment in the cost of the administration of Ajmer-Merwara?

(2) Will Government be pleased to state what action Government propose to take on his recommendations and when?

Mr. H. A. Sams : (1) Mr. Campbell's report regarding retrenchments in the cost of the administration of Ajmer-Merwara is laid on the table.

(2) The various recommendations made by Mr. Campbell are under the consideration of Government.

CHAPTER VI.

AJMER-MERWARA.

133. *Commissioner's Office.*—A central record room is kept in the Commissioner's Office for several Criminal Courts in the district. The records are arranged by villages and an index is maintained in order to enable the record-keeper to trace any record when it is wanted. The records would be much more easily found if they were arranged according to courts and to the serial number of each class (original, appeal, etc.) of case in each year. The index would then be unnecessary. I have not been able to ascertain any particular advantage accruing from the present arrangement of records.

134. The files in the English record-room were properly arranged from the year 1900 onwards. A card index or loose-leaf index on the lines suggested in paragraph 37 should be prepared for these records. Old records should be weeded out and properly arranged and for this purpose a temporary staff will be required. It appears to me that, as in other offices, the amount of registration of papers is capable of reduction.

At present there is a temporary staff employed in the record room for dealing with the records, namely :

						Rs.
1 clerk on	..	..	..	..	..	80
1 record clerk	..	..	..	..	..	50
1 lifter on	..	..	..	..	..	19
1 daftri on	..	..	..	..	..	16
1 peon on	..	..	..	..	..	11

This staff may be continued on a temporary basis pending the preparation of a card index or loose-leaf index and the simplification of registration of papers.

135. *Ajmer Treasury*.—The Imperial Bank of India has taken over the work of the treasury on the 1st of January 1924. This has led to a reduction of the non-pensionable staff by 1 assistant treasurer, 1 assistant cashier, 2 note clerks and 11 portdars, one stamp clerk and one hamal ; the cashier will probably not be required after six months.

136. *Nasirabad Treasury Staff*.—The Nasirabad Treasury has been recently abolished. The question has been referred to me whether the sub-treasury staff should be added to the treasury staff at Ajmer.

The vernacular staff of the sub-treasury has already been abolished. There remain one accountant and one pension clerk who was doing accounts work.

137. In view of the facts that the new arrangement, by which the Imperial Bank of India has taken over the work of the treasury, has been brought into force only on the 1st January 1924, and that the treasury officer is uncertain as to the effect of this change on the work of the accountants in his office, the accountant and clerk transferred from Nasirabad may, I think, be retained in Ajmer until the 30th June 1924 and the question may then be reconsidered in the light of experience.

138. The treasury was last inspected by an Accounts Officer from the United Provinces in 1921. It appears desirable that there should be another inspection by an Accounts Officer in the near future and in the event of such inspection taking place the question of the staff required to work in the office under the new arrangement may be specially referred to him for opinion.

139. *Honorary Magistrate's Court, Ajmer*.—The question whether an additional Ahlmad should be sanctioned for employment in the office of the 1st Class Honorary Magistrate, Ajmer, has been referred to me for opinion. The ministerial staff in the court consists of one Reader. The number of cases disposed of in 1923 was 471. I am of opinion that the appointment of an Ahlmad should be sanctioned.

140. *Offices at Beawar*.—The principal officers at Beawar are the Extra Assistant Commissioner (who is Revenue Divisional Officer and 1st Class Magistrate), a Sub-Judge, 1st Class, a Tehsildar and a Sub-Divisional Officer of the Public Works Department.

141. The records of the first three officers are kept in one record room. They are tied in cloth bundles, and I understand that no weeding has been done within the memory of man. The Court records are arranged by villages instead of by years, class of case and the numbers of the cases ; consequently, as at Ajmer, an elaborate index has to be kept to enable the record-keeper to find the records of any case when they are wanted. The record room has the appearance of being very full, but if the records were weeded and unnecessary records destroyed and the remainder were properly arranged and indexed in a card or loose-leaf index on the lines suggested in paragraph 87, a considerable amount of space would be saved and the record-keeper would be able to do his work much more easily and should be able to keep up to date the arrangement, indexing, weeding and destruction of records in future. It will probably be desirable to maintain an index by villages as well as a subject index. The major and minor heads should, as far as possible, be the same as those to be used in the Commissioner's Office.

142. A question specially referred to me was whether a Hamal on Rs. 14 should be sanctioned for employment in Beawar sub-treasury. I understand that he will be employed in doing general odd-jobs about the treasury and office such as moving bags of money, pulling the punkha in the hot weather, etc. It was explained to me that the present staff of menials is fully employed in process service, etc., and in consequence it is necessary to engage coolies from time to time who are not very expert in doing the work expected of them. I recommend that the Hamal may be employed.

143. *Police*.—A scheme of reallocation is under discussion but it is not yet ripe for decision. It appears to me improbable that it will be possible to reduce the strength of the subordinate police force. The rates of pay of all ranks are higher than in the United Provinces; the reason ascribed is that the cost of living in Ajmer is higher than in the United Provinces. The question of putting the police on the same pay and allowances as in the United Provinces is under consideration.

144. The allotments under "Other petty supplies" and "Office expenses and miscellaneous" for 1923-24 include special items which are not likely to recur, namely, Rs. 2,410 for the purchase of revolvers and Rs. 1,960 for the purchase of remounts for the mounted police; smaller allotments under these heads should be sufficient in future.

145. *Jails*.—A considerable economy has been effected this year by the Chief Medical Officer by the substitution of barley and gram for wheat in the diet of prisoners in the Central Jail, Ajmer. It is anticipated that the saving of diet charges will exceed Rs. 10,000 this year.

146. The Chief Medical Officer has also, in view of the present financial stringency, refrained from employing six extra warders whose appointment has been sanctioned; this will result in the saving of Rs. 2,700 in the budget. The allotment for raw materials in jail manufactures has, however, been found too small by about Rs. 3,000 and the allotment of the pay of Sub-Assistant Surgeon will have to be increased by Rs. 500 on account of the employment of a 1st grade Senior Officer; the net saving during this year will therefore be about Rs. 9,000.

147. It does not appear to be possible to suggest any further economies although the cost per prisoner per annum (Rs. 161-1-3 in 1922-23) is high as compared with the net cost in other provinces. The reasons given for this high cost are firstly that owing to the scarcity of water, water has to be paid for, and secondly that prices are generally higher than in other provinces.

148. *Education*.—I had the benefit of a discussion of the educational affairs in Ajmer with Mr. Richey, the Commissioner of Education, with the Government of India, and the following proposals are put forward as the outcome of our discussion.

149. I recommend that the number of teachers under training at the Normal School at Ajmer should be reduced by 10 as I understand that, at the present time, posts cannot be found for all the teachers trained. This will effect a saving of Rs. 1,440 per annum as the stipend of each teacher under training is Rs. 12 a month.

150. At present the Superintendent of Education for Delhi and Ajmer-Merwara is on long leave and his duties are discharged by the Commissioner for education as a temporary measure. I recommend that the following arrangements should be made for the supervision of education in Rajputana and Ajmer-Merwara in lieu of those now in force:

(1) The Principal of the Government College, Ajmer, should be given an allowance of Rs. 100 per mensem for the inspection of European schools in Ajmer-Merwara and Rajputana.

(2) The Head Master of the Government High School, Ajmer, should be given an allowance of Rs. 100 a month for the inspection of Indian Secondary schools and should be the Superintendent of Indian Education in Ajmer-Merwara.

It is understood that the Educational Commissioner would pay at least one visit a year to Ajmer in the course of his tours; the Agent to the Governor-General and Chief Commissioner should be permitted to consult the Commissioner for Education direct whenever he requires his advice.

151. This arrangement involves an increased cost to the Government of India of Rs. 2,400 a year over the cost of the present temporary arrangements but would lead to a saving of over Rs. 5,000 per annum (allowing for a saving in travelling allowances) over the permanent arrangement and would provide a more and immediate control over education. It would be necessary to find a post for Mr. Watkins, the present Superintendent of Education of Delhi and Ajmer-Merwara, before he returns from leave in two years' time.

152. It does not appear to be possible to make any further reduction in the cost of education. The Commissioner of Education indeed considers that, as foreshadowed by the Indian Retrenchment Committee in paragraph 33 of their remarks on Education, a large increase in expenditure on primary education is inevitable.

153. *Medical*.—Certain economies have already been carried out and the practice of recovering the cost of medicines from persons who can afford to pay for them

has been introduced. It does not appear possible to make further material economies unless dispensaries are closed, and the Chief Medical Officer considers this course undesirable although it may be necessary to transfer one. No charges are made for private rooms in the hospital at Ajmer as the Chief Medical Officer does not consider them good enough to justify a charge, but when the new hospital, which is now under construction, is completed it is proposed that a charge should be made for special accommodation.

154. I recommend that the Sub-Assistant Surgeons should be given as far as may be the same pay and allowances, on similar conditions as to qualifications, etc., as Sub-Assistant Surgeons in the United Provinces.

155. *Public Works Department.*—I have dealt with the question of the superior staff of the Public Works Department in connection with the proposal to abolish the appointment of Superintending Engineer, Rajputana.

156. I am inclined to think as the result of my enquiries that it may be possible to reduce the amount spent on the maintenance of various roads. In the absence of detailed information it is difficult to state definitely to what extent the total allotment can be reduced with due regard to the nature of the traffic using the road. I recommend that a report should be obtained from the Public Works Department on the allotments necessary for the maintenance of the various roads mile by mile with a view to possible reduction of the total cost of maintenance.

157. Some economy may also be possible in the cost of maintenance of irrigation tanks.

158. *Inclusion of Ajmer Officials in Cadres with the United Provinces.*—It appears to me that it is desirable in certain cases, if the Government of the United Provinces will permit, to include in the cadre of that province certain appointments in Ajmer-Merwara such as those of Extra Assistant Commissioners, Sub-Divisional Officers of the Public Works Department, Sub-Assistant Surgeons and Sub-Inspectors and Inspectors of Police. The pay of officials in Ajmer appears to be generally the same as in the United Provinces. Under this proposal it should be possible, with the permission of the Government of the United Provinces, for an Ajmer officer to proceed to the United Provinces, for service there from time to time for a certain period in the course of which he would receive a more up-to-date training and a wider experience than he can probably obtain in Ajmer. This should lead to increased efficiency in the administration and that in itself will result in economy. Further, it should be possible to obtain officers, if required, from the United Provinces, when necessary and there would be less difficulty in filling vacancies caused by officers going on leave and less necessity for keeping the establishment over strength in order to fill casual vacancies. It will be reasonable to give a suitable local allowance to provincial officers deputed to Ajmer-Merwara when they are not natives of Rajputana in order that suitable men when required may be attracted to service in Ajmer-Merwara.

159. *Increase of Provincial Receipts.*—I have examined the question of the possibility of increasing the receipts in Ajmer-Merwara.

160. The receipts of land revenue cannot be altered during the period of the present settlement which expires in 1930. It is, however, possible, with the sanction of the Government of India, to alter the rates of cesses levied for irrigation under first class tanks. The question of increasing these rates, which appear to be low in certain cases, should be considered.

161. The principal item of provincial receipts is excise. This item is expanding and every effort is being made to increase the revenue from it.

162. In respect of such matters as stamps, registration fees, etc., it is usual in Ajmer-Merwara to follow the example of the United Provinces.

163. I am not sure whether any further material increase can be expected under Forests without increased expenditure which will not be remunerative for some years.

164. Every effort is, I understand, being made to increase the receipts from jail manufactures. It is realised that the average cost of a prisoner per annum is high at Ajmer as compared with the cost in a neighbouring province.

165. Educational fees could perhaps be raised in certain cases but they are now at the same rates as in the neighbouring province.

166. A grant is made from Government funds of Rs. 15,000 a year to the district board. The district board cess is levied at the rate of 3 pies per rupee of land revenue. This appears to me to be very low and the district board should I think be warned that the grant may be stopped unless there is an increase in the cess.

187. *Financial Settlement*.—As a general measure for encouraging economy in Ajmer-Merwara I recommend that the question of making a financial settlement for period of years with the province should be considered. It is perhaps only natural that the district board, for example, should refrain from levying an additional cess if it thinks that the result of such a measure would be the receipt of less money from the Government of India for the province. If, however, it were realised that any savings effected will be available for expenditure within the province in other directions where expenditure is desirable, the officials and the people would have a greater inducement to increase the revenue and to do all in their power to ensure that the administration is as economical as possible without undue loss of efficiency.

(Sd.) A. Y. G. CAMPBELL.

### HONORARY MAGISTRATES IN AJMER-MERWARA.

2356. \***Nai Sahib M. Harbilas Sarda** : Will Government be pleased to state what qualifications are required to be possessed by people who are appointed Honorary Magistrates in Ajmer, considering the duties they have to perform ; and, whether the Honorary Magistrates in Ajmer possess them ?

**Mr. H. A. Sams** : The ideal aimed at in appointing Honorary Magistrates in Ajmer-Merwara is to secure the services of gentlemen of good social status and education, commanding the confidence and esteem of the public. Commonsense, sound judgment, judicial impartiality and independence of character are the qualifications required. The standard of efficiency expected from stipendiary Magistrates is not always attainable by Honorary Magistrates, but in Ajmer-Merwara the latter have rendered and continue to render valuable services to the public. They exercise only second or third class powers, the court of the Honorary Magistrate 1st class having been recently discontinued on the appointment of the City Magistrate.

### COUNTING OF OFFICIATING SERVICE RENDERED BY POSTAL AND R. M. S. OFFICIALS FOR FIXING THEIR INITIAL PAY IN THE TIME-SCALE.

2357. \***Mr. Kamini Kumar Chanda** : 1. (a) Will the Government be pleased to state if the benefit of officiating service rendered by Postal and R. M. S. officials confirmed before the date of issue of the Government Resolution on 23rd September 1920 introducing the time-scale of pay was allowed for fixing the initial pay in the time-scale and whether the same concession was also granted to the officials confirmed after the introduction of the Fundamental Rules on 1st January 1922 ?

(b) Whether the same concession has been denied to officials confirmed between 23rd September 1920 and 1st January 1922 ? If so, what is the reason for this discrimination ?

2. Will the Government be pleased to state (a) whether the benefit of the officiating service was in the first instance conceded with effect from 1st March 1921 and many officials whose cases were promptly settled benefitted by this concession as regards arrears of pay ?

(b) Whether officials whose cases were settled later on were allowed the benefit of the past service only with effect from 1st April 1924 ? If so, will the Government be pleased to state the reasons for this differential treatment ?

3. Are the Government aware that recoveries had been made from officials whose claims to increased pay were subsequently admitted and the recoveries so made have not been refunded ? Will the Government be pleased to state why the refund of amounts so recovered has been refused ?

4. (a) Are the Government aware that records are not in all cases available relating to officiating services and that such officiating services can be verified by collateral evidence ?

(b) Are the Government prepared to admit such collateral evidence in support of officiating services in respect of which the records are not available ?

**Mr. H. A. Sams :** 1. (a) If, as is presumed, the inquiry relates to clerks in post offices and to Railway Mail Service sorters the reply to the first part is in the affirmative, except that in the case of the Railway Mail Service the date is the 29th September, 1920. To the second part the reply is that officiating service, rendered by the officials concerned on and after the 1st July, 1922, (the date from which Fundamental Rules 30 to 36 were applied to the Postal Service), counts towards increments in the time-scale.

(b) The officials in question have been allowed to count towards increments their officiating service rendered on and after the 1st July, 1922. Financial considerations did not admit of the grant of any concession other than that referred to in part 1 (a).

2. (a) Yes.

(b) Yes and in some cases from a later date, the reason being that it is against the ordinary practice of Government to grant concessions with retrospective effect.

3. I have no information on the subject but will be prepared to consider individual cases that may be brought to my notice through the usual channel.

4. (a) Yes.

(b) This has been done in several cases.

**Mr. Gaya Prasad Singh :** With regard to my question No. 2339, may I have your permission, Sir, to put only one supplementary question. Do the Government expect.....

**Mr. President :** The Honourable Member ought to have been in his place when his name was called.

#### CONTRACTION OF CURRENCY.

**Mr. Jamnadas M. Mehta :** Sir, I am putting this question of which I have given private notice to the Honourable Sir Basil Blackett.

(a) Are Government aware that there has been since 7th January 1920 a contraction of the currency to the extent of 62 crores as per statement below :

7th January 1920.

Backing securities.

Note Issue.	Silver.	Gold.	India.	England.	
Rs. 186·21 (Crores).	Rs. 42·57 (Crores).	Rs. 43·64 (Crores).	Rs. 17·50 (Crores).	Rs. 82·50 (Crores).	= Rs. 186·21

30th September 1923.

I. (Actual)

Securities.

Note issue.	Silver.	Gold.	India.	England.	
Rs. 179·28 (Crores).	Rs. 97·48 (Crores).	Rs. 24·32 (Crores)	Rs. 57·48 (Crores).	Nil	=Rs.179·28.

If there had been no manipulations since 7-1-20 it should have been

II. (What would have been without manipulation.)

Backing securities.

Rs. 241·12 (Crores).	Rs. 97·48 (Crores).	Rs. 43·64 (Crores).	Rs. 17·50 (Crores).	Rs. 82·50 (Crores).	=Rs. 241·12
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Actual shortage or contraction

241·12—179·28

Actual contraction Rs. 61·84 crores.

(b) Will Government lay a statement on the table showing whether and if so how far the said statement is correct? What is the present position?

The Honourable Sir Basil Blackett : (a) The statement is correct as far as it goes, i.e., having regard to the figures for the two particular dates mentioned. I am unable to understand why the 7th of January 1920 should have been chosen as the starting point.

(b) I place on the table a statement showing the details of the expansion and contraction of currency between the 1st January 1920 and the 31st August 1924 from which it will be seen that the net contraction during the period was about 45½ crores of which no less than 38½ crores relates to the period prior to the 1st April 1921.

I need hardly point out that the expansion of currency during the war period was very much more, the note circulation alone having increased during that period by about 1.16 crores.

Statement regarding contraction of currency since 1st January 1920.

1st January 1920 to  
31st March 1921.

	(In lakhs of rupees.)
<b>Expansion.</b> —Gold purchased by the Secretary of State and remitted to India .. ..	19,52
Gold acquired by Government .. ..	20,80
Issue of Indian Treasury Bills to the Paper Currency Reserve .. ..	37,95
<b>Total expansion</b> ..	<b>78,27</b>
<b>Contraction.</b> —Sales of gold by Government .. ..	43,66
Discharge of Indian Treasury Bills in the Paper Currency Reserve .. ..	4,37
Transfer of sterling securities in London to the Secretary of State's cash balance against opposite transfer in India ..	68,72
<b>Total contraction</b> ..	<b>1,16,75</b>

Net contraction between 1st January 1920 and 31st March 1921. .. ..

—38,48



## 1921-22.

*Expansion.*—Issue against internal bills of exchange under emergency provisions .. .. 2,00

*Contraction.*—Discharge of Indian Treasury Bills in the Paper Currency Reserve .. 3,30  
Transfer of sterling securities in London to the Secretary of State's cash balance against opposite transfer in India .. 2,50

Total contraction .. 5,80

Net contraction in 1921-22 .. .. —3,80

## 1922-23.

*Contraction.*—Discharge of Indian Treasury Bills in the Paper Currency Reserve .. 7,60  
Issues against internal bills withdrawn .. 2,00

Total contraction in 1922-23 .. .. —9,60

## 1923-24.

*Expansion.*—Purchase of sterling securities for the Paper Currency Reserve .. 12,00  
Issues against internal bills of exchange under emergency provisions .. 12,00

Total expansion .. 24,00

*Contraction.*—Transfer of sterling securities in London to the Secretary of State's balance against opposite transfer in India .. 5,85

Net expansion in 1923-24 .. .. +18,15

1924-25 up to 31st August 1924.

*Contraction.*—Issues against internal bills (emergency currency) withdrawn .. —12,00  
Net contraction between 1st January 1920 and 31st August 1924 .. —45,73

It will be seen that practically the whole of the net contraction occurred before 1st April 1921 and that there has been a net expansion since 1st April 1923 of Rs. 6,15 lakhs.

**Mr. Jamnadas M. Mehta :** May I tell the Honourable Member why I selected the 7th of January. It was because January 1920 was the last month before the Currency Committee's report was put into force on the 2nd of February 1920.

**The Honourable Sir Basil Blackett :** I think the Honourable Member is incorrect in this that the Reverse Councils began to be sold before the 7th of January.

**Mr. Jamnadas M. Mehta :** It may be so. But the Currency Committee's report was to come into force in February 1920 and this was the last month before that date. That is the relevance of 7th January 1920.

## UNSTARRED QUESTIONS AND ANSWERS.

PROVISION FOR CANDIDATES WHO PASSED THE STAFF SELECTION BOARD'S EXAMINATION IN 1921 AND 1922.

456. **Mr. Abdul Haye :** 1. Will Government please state how many of the candidates who passed the Staff Selection Board's Examination in 1921 and 1922 have not yet been provided for?

2. If there was a sufficient number of qualified candidates on the Waiting List will Government please state why another examination was held this year ?

**The Honourable Sir Alexander Muddiman :** I would refer the Honourable Member to the reply which I gave a few days ago to Sardar V. N. Mutalik's question No. 2248.

#### SUCCESSFUL CANDIDATES AT THE STAFF SELECTION BOARD'S EXAMINATIONS.

457. **Mr. Abdul Hays :** (a) Have there been any cases in which certain successful candidates, for reasons of their own, were not able to avail themselves of offers of service made by Government ?

(b) If there are such cases, are Government now prepared to make a second offer to such candidates who may now be willing to accept it, in preference to those who passed the examination in 1924 ?

**The Honourable Sir Alexander Muddiman :** (a) Yes.

(b) Such cases are considered on their merits by the Staff Selection Board. Government cannot give any undertaking in the matter.

#### EXEMPTION OF CERTAIN ASSISTANTS IN THE UPPER DIVISION FROM THE STAFF SELECTION BOARD'S EXAMINATION.

458. **Mr. Abdul Hays :** (1) Will Government please state if it is a fact that before the formation of the Staff Selection Board in October 1920 there were certain members of the clerical establishment in the Secretariat of the Government of India, Army Headquarters and attached offices in Simla, who were holding 1st Division appointments either in provisionally permanent, *sub pro tem* or officiating capacities ?

(2) Is it also a fact that before the formation of the S. S. Board the majority of such above-mentioned persons were selected and permanently absorbed in the first Division by the offices concerned ?

(3) Is it also a fact that in the case of certain offices in Army Headquarters although the establishments were absorbed in the permanent cadre from 1st April 1920 they were required to undergo the S. S. Board's Examination ?

(4) Is it also a fact that some of the First Division Assistants who were selected and absorbed and had been working in the said Division for more than one year prior to the formation of S. S. Board and who even continued to work in that capacity for 2 years after the creation of S. S. Board, were subsequently reverted on the ground that they were unable to pass the S. S. Board's test ?

(5) Is it a fact that in consequence of such reversion, in certain cases the officials reverted have sustained a loss in the matter of pay which they would have avoided if they had not been so selected in the first instance for the higher division ?

(6) Are Government prepared to consider favourably the cases of such assistants of old standing who have rendered useful service and who are specially recommended by their immediate officers and if possible exempt them from the examination of the S. S. Board ?

**The Honourable Sir Alexander Muddiman :** (1) to (5). The question is somewhat vague, and I have not been able to verify the statements made in it. There may be such cases.

(6) A recommendation for exemption from the Staff Selection Board examination is a matter for the Department concerned in the first instance. But the policy is to grant exemptions in as few cases as possible.

#### CIVIL AND MILITARY LINE OVERSEER.

**459. Mr. Abdul Haye :** (1) With reference to the answer given to my unstarred question No. 331, will Government please state what veterinary qualifications does the present Civil and Military Line Overseas possess or has he even any working knowledge of veterinary subjects ?

(2) (a) What is the total amount of allowance paid to the Serjeant in addition to his pay and staff pay ?

(b) Are the allowances mentioned in clause (d) of the answer paid from the budget of the regiment to which the Serjeant belongs or from the budget of the Army Remount Dept. If the latter is the case was this amount ever sanctioned by Government ?

(c) How much of such extra expenditure has been incurred since 1907 and was it ever brought to the notice of Government for regularisation ?

**Mr. E. Burdon :** (1) and (2). It has been found necessary to refer this question to the local military and accounts authorities, whose reply has not been received. I will furnish the Honourable Member with a reply to this question as soon as possible.

#### CAPITAL EXPENDITURE ON AND INCOME DERIVED FROM TOWN TELEPHONE PROJECTS FOR THE FIVE YEARS PRECEDING 1923-24.

**460. Mr. Bhubanananda Das :** In reference to my starred question No. 1616 of 3rd instant, will Government be pleased to inform the House :

(a) the capital expenditure on all town telephone projects for the 5 years preceding 1923-24 (the year for which no information is available) ?

(b) the additional expenditure in each case for maintenance and management for each year ?

(c) the annual income derived from respective towns during this period ?

**The Honourable Mr. A. C. Chatterjee :** Publications showing the financial results of the working of Government telephone systems during the years 1920-21, 1921-22, and 1922-23 have been placed in the Library. From these the Honourable Member will be able to obtain the information he asks for so far as these years are concerned. No such information for years prior to 1920-21 is available, as the system of keeping separate accounts for telephones was not introduced before then.

#### REVENUE FROM THE TELEPHONE TRUNK SYSTEM.

**461. Mr. Bhubanananda Das :** With reference to my starred question No. 1615 of 3rd instant, will Government be pleased to inform the House





\*what amount of these revenues over the telephone trunk system was derived from the

(a) Government Departments

(b) Public ?

**Mr. H. A. Sams :** No separate account is kept of the revenue derived from (a) Government Departments and (b) the Public.

#### OFFICE HOURS IN THE GOVERNMENT OF INDIA SECRETARIAT.

462. **Mr. Bhubanananda Das :** (a) Is it a fact that in some Departments of the Government of India the office hours are 10-30 A.M. to 5 P.M. and in some 10-30 A.M. to 4-30 P.M. and in another 10 A.M. to 4 P.M.?

(b) If so, are the Government prepared to consider the desirability of fixing the same office hours (say 10 A.M. to 4 P.M. or preferably 10-30 A.M. to 4-30 P.M.) for all Departments of the Government of India in order to remove inequality of treatment ?

**The Honourable Sir Alexander Muddiman :** (a) Yes.

(b) The question of office hours is, within limits, one for each Department to decide for itself, and the Government of India do not propose to issue any instructions in the matter.

#### PARAGRAPH IN THE *Telegraph Recorder* OF MAY 1922, HEADED " THE POWER OF CLERKS ".

463. **Mr. Kamini Kumar Chanda :** (a) Has the attention of Government been drawn to the paragraph " The power of clerks " at page 212 of the *Telegraph Recorder* of May 1922 ?

(b) And what steps, if any, in the way of precaution or prevention has been taken and if not taken already, whether the Government do propose to take suitable measures according to that timely warning ?

**The Honourable Mr. A. C. Chatterjee :** (a) Yes.

(b) Government do not consider any action necessary.

#### APPEALS OF THE OFFICE ESTABLISHMENT OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

464. **Mr. Kamini Kumar Chanda :** (a) Is it not a fact that all cases, appeals, etc., relating to the office establishment of the office of the Director-General, Posts and Telegraphs, are noted on, before submission, absolutely by one clerk who is understood to be the Appointment and Camp clerk of the Deputy Director-General, P. O., and his views, which are as a rule against complaints of the aggrieved staff are generally upheld by the authorities ?

(b) Is it not a fact that recently an appeal has been decided by the Honourable Member in charge of the Department of Industry and Labour in favour of the appellant Babu B. B. Bose, a clerk of the office of the D. G., P. and T., an appeal which was previously thrice thrown out as noted by the Camp Clerk of the Deputy Director-General ?

(c) Is it a fact that clerks of that office have recently submitted individual appeals to His Majesty's Secretary of State ?

(d) Do the Government propose to make an inquiry and remove the grievances of the clerks of the Director-General's office in this matter ?

**The Honourable Mr. A. C. Chatterjee :** (a) The answer is in the negative. There is no such clerk.

(b) Yes. His previous applications were not however noted on by the Camp Clerk to the Deputy Director-General, nor had that official anything to do with their rejection.

(c) Yes, five clerks have done so.

(d) In view of the reply to (a) and to the second part of (b), (d) does not arise.

REVISION OF THE PAY OF THE CLERICAL STAFF OF THE DIRECTOR GENERAL,  
POSTS AND TELEGRAPHS.

**465. Mr. Kamini Kumar Chanda :** Is it a fact that according to the Special Departmental Committee (Booth Committee) appointed for the revision of pay of the staff of the Director-General, P. and T., the cost of revision was recommended as Rs. 71,736 per annum while the cost of actual revision according to Government sanction was Rs. 82,217, *vide* item 26 of the report of the Retrenchment Committee page 266 ?

**The Honourable Mr. A. C. Chatterjee :** The Committee recommended a revision which, including the cost of two Officers appointments namely Rs. 19,800, would have cost in all about Rs. 91,000 per annum. The cost of the revision sanctioned by Government amounted to Rs. 82,217.

GRANT OF PERCENTAGE INCREMENTS TO THE CLERICAL STAFF OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

**466. Mr. Kamini Kumar Chanda :** Is it a fact that percentage increments as against partial time-scale with retrospective effect from December 1919 as recommended by the Booth Committee and supported by the Director-General was not given effect to by Government as being "unnecessarily liberal" with the result that the majority of the clerks have not been benefited ?

**The Honourable Mr. A. C. Chatterjee :** It is a fact that full effect was not given by the Government to the recommendations made by the Committee or to the alternative recommendations of the Director General.

Improved rates of pay were however introduced from 1st March 1921 the effect of which was to give immediate percentage increments to the lowest paid, or 'B class' clerks, and generally to improve the position of the whole staff.

GRANT OF PERCENTAGE INCREMENTS TO THE CLERICAL STAFF OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

**467. Mr. Kamini Kumar Chanda :** Is it a fact (a) that on 1st March 1921 the pay of the two clerks Babu H. M. Bose and Miss B. deMonte of the office of the Director-General, P. and T., was Rs. 210 and 157 respectively by accelerated promotions or otherwise ?

(b) That if the time-scale as recommended by the Booth Committee was introduced their pay would be Rs. 157 and 147 respectively according to their length of service and Rs. 42 and 67 respectively by way of personal allowance would have to be granted to them to bring them to the time-scale in case the Booth Committee's recommendations were accepted ?

And to avoid this grant of personal allowance to the two clerks specially and to 18 others of the old A class clerks of that office the percentage increments for all 290 clerks were granted ?

And that the granting of this percentage increments did not give adequate benefit to the majority but created various sorts of anomalies, viz., equality of pay of the clerks irrespective of the length of service specially among the old B class clerks ?

**The Honourable Mr. A. C. Chatterjee :** (a) Yes, including allowances.

(b) Percentage increments where given were granted as a general principle and not for the particular purpose suggested by the Honourable Member. Nor are Government prepared to admit that the benefits conferred were inadequate. Where anomalies were created, representations asking for their removal were, as far as possible, dealt with as special cases.

#### GRANT OF PERCENTAGE INCREMENTS TO THE CLERICAL STAFF OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

468. **Mr. Kamini Kumar Chanda :** (a) Is it not a fact that the grant of percentage increments for the clerical staff of the office of the Director-General, P. and T., has caused discontent to the clerks advanced in service ?

(b) Do the Government propose to rectify those at an early date ?

**The Honourable Mr. A. C. Chatterjee :** (a) No.

(b) Does not arise.

#### REVISION OF PAY OF THE CLERICAL STAFF OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

469. **Mr. Kamini Kumar Chanda :** Is it a fact that since 1919 the question of granting a living wage to the clerks of the Indian Secretariat and attached offices was being considered by the Government of India, the Department of Commerce and that the P. W. D. recommended that the pay of the office establishment of the office of the D. G. P. and T., should be revised on the basis of, the Bengal Secretariat ?

**The Honourable Mr. A. C. Chatterjee :** The question of revising the pay of the staff of the Director General, Posts and Telegraphs Office was under consideration between 1919 and 1921 with the result that from 1st March 1921 revised scales of pay were sanctioned.

The reply to the second part of the question is that no such official recommendation was made as the revision was referred to a special committee and dealt with on their report.

#### THE INDIAN CRIMINAL LAW AMENDMENT (REPEALING) BILL.

**Mr. President :** The Assembly will now proceed with the consideration of the Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908.

Clauses 2 and 3 were added to the Bill.

(Mr. President called Pandit Madan Mohan Malaviya to move his amendment, but he was not present in the Chamber).

Clause 1 and the Title and Preamble of the Bill were added to the Bill.



**Dr. H. S. Gour** (Central Provinces Hindi Divisions : Non-Muham-  
madan) : Sir, I move that the Bill be passed. In doing so, I do not wish  
to recapitulate the arguments that have influenced me and my friends in  
asking this House for the repeal of Part II of the Criminal Law Amendment  
Act. In introducing the Bill I pointed out how I was carrying out the  
unanimous recommendation of the Repressive Laws Committee upon which  
the Government were represented and whose recommendation was un-  
animous on this point. I have given to the House the *ipsissima verba* of  
that recommendation, which was to the effect that the Committee hoped  
that the Bill would be introduced in the Delhi Session of 1922 for the  
repeal of the Criminal Law Amendment Act. Honourable Members will  
remember that the Government did partially carry out the terms of this  
recommendation. They introduced a Bill repealing only Part I of the  
Criminal Law Amendment Act, but left Part II intact. Part II of the  
Criminal Law Amendment Act was sought to be repealed in the last  
Assembly, but without success. That attempt had been renewed by this  
Assembly. Honourable Members will remember that during the previous  
stage of this Bill we pointed out to the Government how the provisions of  
Part II of this Act were obnoxious to the acknowledged and well under-  
stood principles of criminal jurisprudence. We also pointed out how the  
prototype of this Act, namely, the Irish Coercion Act, contained safeguards  
which are wanting in this Act. We also pointed out how the Governor  
General in Council, and latterly since the Devolution Act, the Local Gov-  
ernments, have been given the power to declare any association as unlaw-  
ful. The Honourable the Home Member replying to this part of the debate  
laid emphasis—I submit undue emphasis—upon the wording of section 15,  
sub-clause (2) (a) of the Act. I have no doubt he wanted to impress upon  
this House the desirability of arming the Government with the power of  
suppressing violent and dangerous conspiracies ; but if Honourable Mem-  
bers will turn to section 16 they will find a ready answer to the arguments  
of the Honourable the Home Member, for they will find that while an  
unlawful association is defined in clauses (a) and (b), section 16 of the  
Act lays down that if the Local Government is of opinion that any asso-  
ciation interferes or has for its object interference with the administration  
of law or with the maintenance of law and order, or that it constitutes a  
danger to public peace, the Local Government may, by notification in the  
official Gazette, declare such association to be unlawful.

Honourable Members will further find if they turn to clause (b) of  
section 15 that any association, which has been declared to be unlawful by  
the Local Government under the powers hereby conferred, is an unlawful  
association. Consequently it comes to this that the Local Government,  
rather the Governor General in Council in 1908, and since the passing of  
the Devolution Act of 1920, the Local Government, has been given the  
absolute right of declaring any association as an unlawful association.

The Honourable Sir Chimanlal Setalvad on the last occasion when this  
Bill was before this House pointed out that this large power conferred upon  
the Local Government was not subject to scrutiny or control by any  
judicial authority, and it came to this that the Local Government may  
declare any body of men as constituting an unlawful association, and  
thereafter the members are exposed to the penalty which is prescribed in  
the following section. Now, Sir, one fact which I want particularly to  
draw the attention of the House to, and that fact I hope the Honourable  
the Home Member or any other occupant of the Treasury Benches will

take note of, is this. Suppose the Local Government declares a member or an association to be unlawful and afterwards hands him over to the magistrate for the purpose of passing sentence, what is to be the measure of punishment? The magistrate says, "You come before me as a member of an unlawful association. I have now to mete out the sentence." The accused says, "I am not a member of an unlawful association; I am an innocent man and have been wrongly notified as a member of an unlawful association, and I am therefore entitled to the verdict of acquittal." The magistrate says, "You are a member of an unlawful association upon the finding of fact by the Executive Government, beyond which it is not competent for me to go. I am here the sentencing officer and all I have now to find is what should be an adequate sentence that I should pass upon you."

Now, Sir, it is a well-known principle of law that the measure of punishment is the degree of crime, and if the magistrate is not in a position to inquire into the criminality of the accused, how is he to pass adequate sentence? And that is the position in which the judiciary in India is placed by the passing of what was considered to be an emergency legislation.

I further beg to point out that whatever may have been the immediate causes which led to the enactment of this Act of 1908, the Government themselves acknowledged in 1913 that this Act was not sufficient to cope with the mischief it was intended to be directed against, and in 1913 they passed what is known as the Conspiracy Act adding two important sections to the Indian Penal Code. In 1913 they said that the Act of 1908 was a scrap of paper. They did not say so in words, but they meant it. They said it was not sufficient and had failed of its effect. In 1924 they say that the Act of 1913 is not sufficient, because they cannot get sufficient evidence to bring the offence home to the accused, and they therefore want not only the retention of one or other of the penal provisions of the criminal law of this country but both.

Now, Sir, I pointed out on the last occasion that if there is disturbance of law and order of the character described by the Honourable the Home Member and by his predecessor in office in this House, the Government are empowered to resort to the ordinary provisions of the law which have been considerably strengthened by the addition of the two sections to which I have adverted. They have never tried those sections because they say they cannot get sufficient evidence for it.

Now, Sir, my Honourable friends in saying so are on the horns of a terrible dilemma. I wish to ask them, "If you have no evidence to prove that a particular man is guilty, how are you justified in notifying him as a member of an unlawful association? What are your data, and upon what grounds do you feel justified in issuing your notification under section 16 of Part II of the Criminal Law Amendment Act?" Surely, Sir, it must be upon some evidence, and if it is upon some evidence which you consider as sufficient, why should you fear that that evidence should be examined and scrutinised by a trained judiciary? That I submit is a weakness of Part II of the Criminal Law Amendment Act, and I have no doubt that when the Repressive Laws Committee recommended its repeal, they were influenced by the considerations to which I have adverted. Well, Sir, it has been said, I do not know with what degree of agency, that if we were to repeal Part II of the Criminal Law Amendment Act,

[Dr. H. S. Gour.]

Government would be deprived of the power which they possess of suppressing lawlessness and crime, and the Honourable the Home Member, at the last sitting of this House, when this Bill came up for further consideration referred to a large number of cases of dacoity and murder, which he said had taken place in Bengal, and in which some of the miscreants had been brought to book. I pointed out, and I repeat it to-day, that in spite of the recrudescence of crime in Bengal, the provisions of Part II of the Criminal Law Amendment Act have not been put in force in that Province, and therefore it follows that the ordinary law is sufficiently strong to cope with the crime of the nature described by the Honourable the Home Member. I therefore feel that I can safely ask this House to support my motion that the Bill be now passed, and I make that motion.

**Mr. H. Tonkinson** (Home Department : Nominated Official) : Sir speaking in this House a few days ago, my Honourable and learned friend Mr. Jinnah said that the Honourable the Leader of the House did not mind how foolish a decision this Assembly might arrive at on a particular matter. I, am speaking from memory, but that is, I think, the substance of a remark which he made. My Honourable friend was very mistaken, and this is one of the reasons why I rise now in the hope that even now, at this last stage, we may persuade the Assembly against the acceptance of this motion. We consider in fact that the passing of this Bill in the present condition of affairs in India would be so opposed to the interests of the country that, even if we look only at the reputation of this Assembly, it is desirable that the Bill should not be passed. I do not wish to take up the time of the House for long, but I do wish to refer to certain aspects of the case which have not, I think, received much attention in the Assembly.

The Bill, as we know, seeks to repeal the portions of the Criminal Law Amendment Act, 1908, which deal with unlawful associations. That is, the present Bill proposes to remove a restriction upon what is known as the right of association. This right may on the one hand be regarded as an extension of the right of individual freedom. For example, if A, B and C may lawfully pursue a particular course of action, if acting without agreement, then A, B and C may pursue the same course of action when acting under agreement. This, however, is not a complete statement of the case, for on the other hand the right of association may greatly restrict the right of freedom of individuals. This is due to a fact that, according to Professor Dicey, has received but little notice from English lawyers, namely, that whenever men act in concert for a common purpose, they tend to create a body which from no fiction of the law, but from the very nature of things, differs from the individuals of whom it is composed. A body created by combination, whether a political league, or a trade union, by its mere existence, limits the freedom of its members and tends to limit the freedom of outsiders.

*"Esprit de corps," to quote again from Dicey, "is a real and powerful sentiment which drives men to act either above, or still more often, below the ordinary moral standard by which they themselves regulate their conduct as individuals."*

I doubt whether it is necessary for me to refer at length to the application of these remarks to India. One has only to remember the proceedings of the volunteer movement in India a few years ago to see how seriously combinations of persons may curtail the freedom of outsiders. For my present purpose the point which I wish to make is that

at the present day the exercise of the right of association raises difficulties in every civilised country. In England, as elsewhere, trades unions and strikes or federations of employers, and lock-outs; in Ireland the boycotting by leagues and societies of any landlord, tenant, trader or workmen bold enough to disobey their behests or break their laws; in the United States the efforts of mercantile trusts to create for themselves huge monopolies; in France the alleged necessity of stringent legislation in order to keep religious communities under the control of the State; in almost every country, in short, some forms of association force upon public attention the practical difficulty of so regulating the right of association that its exercise may neither trench upon each citizen's individual freedom nor shake the supreme authority of the State.

I doubt whether it is necessary, for me, Sir, to develop further the theoretical justification for special provisions of law relating to associations. I should like, however, to cite an authority which was appealed to in another connection by my Honourable friend Pandit Motilal Nehru the other day. I refer to Professor Sidgwick. He refers to the danger of obstinate and systematic disobedience to Government being materially increased by the formation of organised associations and to certain kinds of acts which, when done by individuals, may be unsuitable for legal repression, but which become more grave and more palpably mischievous when carried out by the organised co-operation of a large group of persons. Further he refers to the danger of disorderly conduct, and he says :

“ This constitutes an adequate ground for special repressive intervention if it becomes manifest that the ultimate design of a political association is to use unlawful violence for the attainment of its ends, or if ”—*and here the Professor might well, I think, have been referring to recent conditions in India,*—“ even though it formally repudiates unlawful methods, its operations have a manifest and persistent tendency to cause such violence. Under these circumstances it is in harmony with the principle on which indirectly individualistic interference has before been justified, that the whole corporate action of such an association shall be prohibited and suppressed, even though a part of its operations may be perfectly lawful.”

**Mr. V. J. Patel :** All that applies when the Government are responsible.

**Mr. H. Tonkinson :** And then in a note, to which I think I should invite the particular attention of this House, Professor Sidgwick says :

“ It will often tend to minimise the required interference if the suppression be not performed once for all by the Legislature, but from time to time, so far as may be required, by the executive temporarily invested with special powers. Such powers, if they are to be useful at all, should be somewhat wide; or else the attempted repression may be evaded by the reconstitution of the dangerous association under a new name; but the use of these wide powers should be carefully watched by the legislature.”

I think, Sir, this quotation enables me fittingly to leave the theoretical justification for legislative provisions relating to associations, because it is in conformity with the principles laid down in the note which I have just read that the Act which it is now proposed to repeal has been framed.

**Dr. H. S. Gour :** It justifies temporary legislation.

**Mr. H. Tonkinson :** And that note, I would remark, is a note by an authority whose greatness was appealed to so recently by the Honourable Pandit Motilal Nehru.

I now turn to the remaining portions of the Act of 1908. What does it consist of ? In the first place an unlawful association is defined in sub-section (2) of section 15. I will leave clause (b) for the present.

[Mr. H. Tonkinson.]

Clause (a) includes among unlawful associations those which "encourage or aid persons to commit acts of violence or intimidation or of which the members habitually commit such acts." The provisions of this clause, Sir, of section 17, which provide for the penal sanction, and of section 18, which provide for the continuance of the association after a formal act of dissolution or change of title, have not been seriously questioned in this House. I submit, Sir, that these provisions are so reasonable, so consonant with the principles of criminal jurisprudence that save perhaps in regard to a few minor particulars they cannot be seriously questioned. It has been suggested that the provisions are covered by the ordinary criminal law. But that is not so. Proof that A, B, and C have joined in a criminal conspiracy is very different from proof that X is an unlawful association and that A, B, and C are members of such an association. From what I have already said there can be no doubt that mere membership of an association of the kind defined in clause (a) of section 15 (2) should be sufficient to constitute a criminal offence. My Honourable friend, Pandit Motilal Nehru, speaking on this Bill, referred to the magnificent system of law and jurisprudence which has been handed down in England from generation to generation and which is the pride of the England of to-day. I note, Sir, that that system contains provisions of a similar nature to those which I am now considering. Members of certain societies are deemed guilty of the offence of unlawful combination and those societies include *inter alia* those which

"administer engagements purporting or intended to bind persons taking the same to disturb the public peace or to obey the orders or commands of any committee or body of men not lawfully constituted or not to inform or give evidence against any associate, confederate or other person," and so on.

Sir, speaking in 1913 on the Conspiracy Bill to which my Honourable friend, Dr. Gour has referred, Sir Reginald Craddock quoted the remark of Sir James FitzJames Stephen :

"If you find a gap in your criminal law stop it as soon as you find it, in a quiet time if possible, in troubled times if you must."

The sponsor for this Bill on the other hand seeks not to follow this course but deliberately to make a gap in our law. He has not attacked these provisions, but nevertheless he proposes to repeal them. I admit that he and other Members of this House have attacked other provisions of the Act of 1908, but then their proper course is to propose an amendment of those provisions and not the repeal of these provisions which, I submit, Sir, ought to remain a part of the permanent law of the land. Admitting as they must do the justice of these provisions, they ought certainly to vote against the present Bill.

I now turn to the provisions which have been attacked. They are those which enable the Local Government to declare an association as unlawful. This power, as I have already indicated, and as Professor Sidgwick has said, ought in certain circumstances to be vested in the Executive Government. When may a Local Government declare that an association is unlawful? This is provided for by section 16 which gives the power to the Local Government when it is of opinion that

"any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace."

I would now like to draw attention to what my Honourable friend Dr. Gour has just said about membership. He suggested that the Executive

Government by notification declares that a man is a member of an association and that when the accused appears before the Court he is not able to prove that he is not a member. This, Sir, is quite wrong as any one who reads the provisions of the Act will at once see. If any association has for its object or if its operations are normally attended by the consequences set out in section 16, I think that all Members in this House must admit that membership of such an association ought in the interests of good government to be made a criminal offence. If then we admit for the present the existence of such circumstances in India, the objections should be directed not to the repeal of the Bill but as to the manner in which the provisions have been worked. We have been told that the powers have been improperly used. I have not got time to discuss this question at length. I would, however, remind the House that a Committee of which Dr. Gour who has moved this motion and Sir Sivaswamy Aiyer were among the members who examined this question three years ago. I understand that they had access to confidential documents and they accepted the view that the provisions had been useful in regard to, and I gather from their report, properly applied against, the volunteer movement in India. The provisions are now being used in the Punjab. I have not sufficient knowledge of the details of what is happening in that province to speak at length on this subject. But I take it that every one here will admit that there have been instances there which would have called for what was described by Sir Malcolm Hailey as the exercise of that higher law which bids the State to protect the common citizen against intimidation, terrorism and wrong. The Act was passed, as we all know, to deal with anarchical crime in Bengal. In regard to the portions of the Act which still remain on the Statute-book Sir Harvey Adamson said that it was hoped that the provisions would be mainly preventive. He explained that the Government of the time believed that the effect of declaring an association unlawful would be to separate from it many of the young and comparatively guiltless and also to deter the older men from giving it henceforth the assistance, pecuniary or otherwise, which from inclination, thoughtlessness or fear they had given it in the past. He said, "We hope to separate the waverers from the real criminals". The value of this weapon as against anarchical crime in Bengal was questioned in this House a few days ago. Our position in regard to anarchical crime is, however, still, as was explained by the Honourable the Leader of the House, the same as when the Act was passed. We hope to be able to utilise it to separate the waverers from the real criminal. We have little hope to secure by these provisions the real criminals. We still think we may be able to deter the waverers, and in any case, the position, as stated in this House by the Honourable Pandit Motilal Nehru, is so serious that we are not prepared, in view of our responsibility for the maintenance of law and order, to abandon any weapon at the present juncture. Sir, I oppose the motion.

**Lala Duni Chand** (Ambala Division : Non-Muhammadan) : I belong to that province in which the Criminal Law Amendment Act has been applied most wantonly and most indiscriminately. It is particularly my duty to ask for the repeal of this Act which has been popularly called for the last three years a lawless law. I say, Sir, that it has been applied in the Punjab during the last three years and it has been applied on a very very large scale. It is still in force in several districts of the Punjab and if I mistake not it still applies to the Akali *jathas*. Government might say that it is not possible for us to rule

[Lala Duni Chand.]

the Punjab without the help of this Act. I would say that if it is necessary for you in order to rule the Punjab to have an Act like this you should admit your defeat and adopt other means to rule the Punjab. It is a matter of humiliation for the Punjab that the Act is still kept as a sword of Damocles hanging over its head and allowed to fall on it from time to time. It is a law with regard to which the sanest leader that we have got here, Pandit Motilal Nehru, said that if it is again applied to his province he will break it. If that is the attitude of a most revered and rational leader like Pandit Motilal Nehru, Government should think twice before keeping the Act any more on the Statute-book. Then there is another point. I know that almost every law, even the best law, can be abused and misused. I say with regard to this law that it has been most easily and most frequently abused. I will not allow any law to remain on the Statute-book which can be so wantonly abused and misused in the case of a very large number of people. If you could be discriminate in its application I could understand that perhaps in certain circumstances you might be allowed to use it but I know it as a fact that you have abused it, you have misused it and you have never taken into consideration the feeling of the country with regard to this law. I cannot be positive now but till the last winter session of the Assembly this Act was in force in my own district. The Government have been declaring at the top of their voice that non-co-operation is dead, that the people are entirely changed. In spite of these declarations you are keeping this law in force in the Punjab and in those districts which are absolutely quiet and non-violent. It was argued the other day from the Government Benches that if you are going to repeal this law what substitute are you going to give us. In the first place, I say that if there is a law that is positively bad, that is against all principles of jurisprudence, I would not care to give you a substitute. So far as my experience goes, there is a substitute handy and ready in the two codes, the Indian Penal Code and the Criminal Procedure Code. I know it for a fact that there is no situation with which you cannot deal by having recourse to these two Codes. May I ask you if in hundreds and thousands of cases you have not applied sections 107, 108, 108-A, 109 and 110 of the Criminal Procedure Code. I know a case when there was *satyagraha* in Nagpur. A graduate from the Madras University went to join the *satyagraha* and he was bound over under section 109 because he had no ostensible means of livelihood. If you want any substitutes I say that these are the substitutes. I do know that these sections should not be applied. They have a limited scope. The framers of those sections never meant that they should be applied in cases to which they have been applied. You may use them if you like, it may be to your credit or your discredit. I look upon laws of this kind always as liable to abuse. It has got great resemblance to the Defence of India Act. I say that I can help Government in retaining a law of this kind only in one case, that is during war time. There are no war conditions now and there is absolutely no justification to apply this law and retain this law. So far as I know, during the last three years, there has been a demand from the highest to the lowest for the repeal of this law. I would invite the attention of the House to what the greatest lawyer, Mr. C. R. Das, said. When he

presided over the Indian National Congress he traced the history of laws of this kind. He was of opinion (any body who cares to read his presidential address can see for himself), as an eminent lawyer and not as an agitator, that this law is opposed to all principles of jurisprudence, to all principles of public morality. When opinions have been expressed even from moderate quarters for the repeal of this law, when a motion of this kind is brought forward by a sane man like Dr. Gour, I think that should be sufficient to open the eyes of the Government and Government should not say that it is only agitators and extremists that want the repeal of this Act. It is conclusive proof of the fact that the whole of India, call it Nationalist, call it Extremist or Moderate, wants the repeal of this law. To me it is a matter of great surprise that even up to this time there should be opposition to a motion like this. Can the Government say that there is any element in the country which is opposed to the repeal of this law? If that is the view of the country, as has been represented by various shades of opinion, Government should, in conformity with the spirit of Reforms, come forward and say that this law should be repealed because the whole country wants it to be repealed. It does not appear edifying that even after three years of Reformed Government you should still retain this measure on the Statute-book. It has sufficiently disgraced your Statute-book and I would ask you that a Statute like this should not be kept any more on the Statute-book. I know it is certain that we are going to repeal this law by an overwhelming majority. I am fully confident of that. It will then be open to you to keep it on the Statute-book or not but, so far as the universal voice of the country is concerned, I think there is no doubt that the country thinks that this law should be repealed. I hope that Government will take note of the feeling of the country and agree to this motion.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : In the first instance I think Mr. Tonkinson has completely misunderstood me when he attributes to me the suggestion that it did not matter how foolish the decision may be that this House should come to.

**Mr. H. Tonkinson** : On a point of explanation I may say that the remark of my Honourable and learned friend to which I referred was to the effect that the Honourable the Leader of the House did not mind how foolish the decision of this Assembly may be.

**Mr. M. A. Jinnah** : I never said anything of the kind, Sir. I think the Honourable Member has quite misunderstood me. I have got the manuscript of my speech here ; if the Honourable Member likes I will send it across to him.

Next, he said that the reputation of this House was at stake if it were to repeal this Act. Well, Sir, it seems to me that every now and then this argument is trotted out, that, if we do a particular thing which they do not like, our reputation is at stake. Sir, our reputation is at stake and we are determined to put an end to this foolish determination of those who are advising the Government to continue this Statute ; and I say that if this House wishes to redeem its reputation in the eye of the civilised world it should insist upon the removal of this Statute from the Statute-book. Sir, Mr. Tonkinson's speech was a beautiful essay, rich in quotations from most elementary text-books. But he never answered the question which I put in this House and I repeat that question again. Will he show me anywhere in the world where the Government have in normal times—of course we are at issue on that point, whether



[Mr. M. A. Jinnah.]

these are normal times or not—but will he show me any Government in normal time coming to a Legislature and asking for powers such as are contained in this Statute ? I say, Sir, no Legislature and no Government will dare to ask for the powers contained in this Statute. If that proposition is sound, then I ask Mr. Tonkinson and I ask the Government on the other side there, do they think that there is that danger, that emergency, which entitles them to come to this House to-day and say that they must be allowed to retain this Statute on the Statute-book ? Now that is the question to which the lecture of Mr. Tonkinson does not reply. (*The Honourable Mr. A. C. Chatterjee* : “ We discussed it the other day.”) I am answering now the speech that has been made to-day on behalf of the Government. I do not wish to repeat what I said to meet the Honourable Mr. Chatterjee as to his law. Now, Sir, the point is this. The Government have not shown us a single instance, excepting the recent association in the Punjab, which has been dealt with under this Act. They have not shown us a single instance where an association that was bent upon revolutionary crimes or anarchical movements has been dealt with under this Statute. That is admitted. Then what are the associations that you want to aim at ? If you cannot touch the revolutionary organizations, if you cannot touch the anarchical movements under this Statute, because, as far as I understand, Sir, these bodies have no address, they have no specific location and their membership is unknown even to Government, omniscient as it is, then what are the associations that you wish to deal with under this Statute ? That is the question I ask the Government. The answer is those associations which Mr. Tonkinson with his mentality may think are interfering with the administration of the country. The frame of mind which he displayed in his speech is one of a ruler who is determined to brook no interference with the administration of this country, and those are the orders he will pass against any association which comes into disfavour either with himself or with the Honourable the Home Member. And then what happens when that association has no right to be heard, no right of defence ? It has got to be disbanded, and as I said before, if I had the misfortune to belong to such an association I have either got to go to jail or resign against my own conviction that the association is perfectly lawful and that its aims are loyal and patriotic. And why ? Because Mr. Tonkinson does not agree with me. That is the question which this House has got to decide, and I say this, that, if this House did anything but vote for the repeal of this Statute, it would lose its reputation.

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhammadan Urban) : As I have been honoured by the Honourable Mr. Tonkinson by his references to me more than once in the course of his speech, I think it is but fair to me and to him that I should be allowed to trespass on the patience of the House for a few minutes. I have often had the misfortune of being misrepresented by the opposing Counsel in law courts and of having my argument so twisted as to be used in support of his argument. But the manner in which the Honourable Mr. Tonkinson has persuaded himself to believe that he has the support of my own argument for his case is, to say the least of it, most surprising. He says that I gave my opinion as to what the present condition of the country was and as to what it may become, and in those circumstances he says it will be very unwise for the Government to throw away the weapon that

they have. Now, Sir, the whole drift of my speech on the second reading of this Bill was that it was the Government who was responsible for these associations ; that it was the Government that had brought them into existence, and that if you do not mend your ways, you may be sure that one fine morning you will wake up to find the whole country a honeycomb of secret societies. That was my argument. I said you were standing on the edge of a precipice. Have a care, one false step will hurl you many fathoms down into the abyss. Mr. Tonkinson says that on my own showing it is for the Government not only to stand on the brink of the abyss but also to dash down into it. He is welcome to use my argument in that way.

The fact that you have not been able to touch the associations that you are afraid of, namely, the anarchical associations, under this Part of the Act and the fact that you cannot possibly touch them, were my reasons for asking you to desist from keeping this law any longer on the Statute-book. I asked the Honourable the Home Member at the time when he was talking of this law as a weapon how the weapon was proposed to be used. He said in effect what the Honourable Mr. Tonkinson has said to-day, namely, that by suppressing such associations at an early stage he would prevent them from ripening into anarchical associations. Mr. Tonkinson has now said that the law may be applied to waverers. Now, Sir, that is a very dangerous proposition and one which we should examine further. How are we to know who are the waverers, and how is the law to deal with waverers ? I think the only law to meet a contingency like the one contemplated by the Honourable Mr. Tonkinson would be one enabling you to take charge of all the young men in the country whose minds are beginning to be imbued with patriotic ideas, who begin to think of their country, and of their lot in it, who are wavering between joining an anarchical movement and doing what they can for their country in other ways. The only law which will meet a case like that would be a law if you can have it passed in this House or any other, enabling you to take charge of all the young men in the country to see that they may not develop at a later stage into anarchists. Then the Honourable Member referred to one class of criminals, the Congress volunteers. The line upon which they stood was that one false step would lead them to anarchy. The right step, which of course would be the application of the Act, would make them very good citizens. These volunteers were Congress volunteers. What did they object to ? They objected to any encroachment on the very natural and elementary right of association which this Act denied to them. They were a determined set of people—there was no wavering there. They went to jail in their thousands and in their tens of thousands by breaking this very law, knowing fully what they were doing, and determined to do it again if occasion arose. Can you call them waverers ? They did it, and there were so many of them who followed this course that you were not able to send them all to jail. To do that you would have to convert the whole of this country into an enormous jail. Well, then, what is this weapon for ? As Mr. Jinnah has said, and as I have shown in my remarks on the second reading of this Bill, you cannot possibly touch any real anarchical society. I hope I have disposed of the argument, so far as it deals with waverers.

Then it is said that such a law is not peculiar to this country. My Honourable friend has unearthed some old English Statute, in which he says that the law of unlawful assemblies is very similar to the law laid down in this Act. I am sorry I was not in the House when he made

[Pandit Motilal Nehru.]

those observations ; I shall only deal with them on the report I have received of his remarks. Well, no one has ever denied that unlawful associations have to be dealt with under the law, that there have been laws dealing with unlawful associations from the beginning of civilization, and that there will be such laws to the end of civilization. But I should like to ask the Honourable Mr. Tonkinson whether any man in England incurring the displeasure of the bureaucracy—I mean the executive, there being no bureaucracy in England—can be declared to be a member of an unlawful assembly. The objection to this Act is that it leaves in the hands of the Executive what is the province of the Judiciary. I say with confidence that there is no law of this kind in any civilized country, there never has been and never can be any such law in a civilized country in normal times, namely, in times like these. When I say “ normal times ” I distinguish such times from those when it becomes necessary to enforce martial law. In such times there may be any number of secret societies, and conspiracies. It is for the ordinary law to deal with them. There can be no other law which leaves it entirely in the hands of the Executive to decide whether a particular association is unlawful or not. But once a court of law holds that a particular association is an unlawful assembly, there are the provisions of the ordinary law to deal with that association. You do not want a special Act for it. The real sting of this Act lies in the fact that you rob the Judiciary of its proper function and invest the Executive with a power which it does not and should not possess in any country. That was my point, Sir. As for the reputation of this House, well, I do not know how much of it is left in the minds of my friends opposite. I think it was the weakest reed for my Honourable friend to rely upon. The reputation of this House is that it has pledged itself to the repeal of all repressive laws. That this is a repressive law can admit of no doubt. The House will only justify its traditions and its reputation if it passes this Bill.

(Several Honourable Members : “ I move that the question be now put.”)

**Mr. H. Calvert** (Punjab : Nominated Official) : Sir, I had hoped that it would not be necessary for me to take any part in this debate, but as several speakers have made a specific reference to the province which I represent and to happenings in that province, it seems desirable that the views held in that province with regard to the situation should be placed before the House. (*Mr. M. A. Jinnah* : “ Whose views ? ) Sir, the ground I tread is rather difficult, and I have no desire to wound the feelings of any people who are in sympathy with that particular association. I will only say that in that province a body of men, whom we need not further mention, started an association and registered it under the Societies Registration Act, 1860 ; that association had objects both lawful and laudable ; but, Sir, other men took possession and control of that association and diverted its aims and its activities into other channels. That association set about directly to challenge not only the authority of Government but the authority of the ordinary forms of law. It challenged, Sir, the authority of law itself, and the Law Courts and, Sir, the law that it challenged was no repressive law but the ordinary civil law of the land, the ordinary law of property.

**Mr. Chaman Lal** : On a point of order, may I ask the Honourable Member whether he is aware that the case is *sub judice* and he ought not to refer to it ?

**Mr. H. Calvert :** I refer to no case at all.

**Mr. Chaman Lall :** The Honourable Member has referred to the leaders of this organization. Those particular leaders are now in jail. I consider that case is *sub judice*.

**Mr. President :** Does the Honourable Member acknowledge that the description given by Mr. Chaman Lall is accurate ?

**Mr. H. Calvert :** No, Sir.

**Mr. President :** Order, order. Will the Honourable Member kindly tell me to what he is referring ?

**Mr. H. Calvert :** I am referring to the action, Sir, of associations in the Punjab, which were declared unlawful associations.

**Mr. President :** Is he or is he not referring to a question under the jurisdiction of a Court ?

**Mr. H. Calvert :** No, Sir.

I am referring to cases which have been already decided—there have been a large number of cases decided in the Punjab. I am going to deal, Sir, with what happened before the application of the Act and which led up to the trial, the trial of certain members of an unlawful association ; I am taking the period prior to the association being declared an unlawful association.

Now, Sir, we admit that this Act, which Dr. Gour desires to repeal, is a special Act of a very exceptional nature and which should only be applied in exceptional situations. There were a very large number of cases coming to courts and decided daily by the courts in which the ordinary law of the land was being defied. For two years the Government tried to use only the ordinary laws of the land. For two years various measures were put into force. We tried avoiding arrests and arresting. We tried ordinary trials under the ordinary law of the land ; we sent people to prison. We tried releasing prisoners on a large scale. Everything failed. It was only after two years of trial of the ordinary law of the land and when parties of perambulating pilgrims were sent into territory not under the authority of this Assembly that the special law was invoked. Now, Sir, the result was that a situation arose which the ordinary law of the land was unable to cope with. There ~~are~~ in the Assembly, Sir, many Honourable Members who are in the profession of law and they are bound by their profession to uphold the authority of the Courts. I would ask them what they would do if they were appointed judges and they found that their courts were flouted, that the law they administered was openly flouted, when they found that they gave decrees and those decrees could not be executed because their authority was defied. If, Sir, they pressed for punishment of the direct offenders, they found that they were immature youths, old men or people who were the dupes of others. If the lawyers of this House were placed in a position like that, when even the compounds of their courts are crowded with a large number of people armed and marshalled for the purpose of defying them so that they could not carry on their work, they would apply for special methods.

Now, Sir, the main point I seek to make is this, that in this province we had two years' trial of the ordinary law. Most of the convictions that have taken place in connection with this movement have been convictions under the ordinary law of the land, and I hold, Sir, that no

[Mr. H. Calvert.]

evidence has been given in this Assembly that the special powers had been in any way abused. So far, this Act has been applied not only not indiscriminately but it has been applied only when matters were reaching a stage when territory outside British India was being affected. I would only add one word. In the opinion of every one responsible for maintaining in that province respect for the ordinary courts, administering the ordinary law and trying to uphold the ordinary right of person and property, in the opinion of all these people, the time for repeal of this Act has not yet come. I therefore oppose Dr. Gour's Bill.

**Dr. H. S. Gour :** I should like very briefly, Sir, to reply to the Honourable Mr. Tonkinson, who has defended this piece of legislation upon theoretical and practical grounds. Dealing with the law of associations, he admits that it is a right of every man to associate and to create and join associations, but he cites Professor Henry Sidgwick in support of the view that where people associate in large numbers and are a menace to the peace and integrity of the State, the State is entitled to restrain their movements and their actions. But in citing that passage, he did not place emphasis, which the author of that work necessarily did on this, namely, that all interference by the State with the liberty of man is only justified in cases of national peril and can be supported only by temporary legislation. Now, Sir, I beg to ask, is this a temporary legislation? If it were a case.... (*Mr. M. A. Jinnah :* "Is there a national peril?") Is this a temporary legislation? If it were the case, have a legislation limited by a number of years. My friend on the other side would have said "It is covered by the enunciation of the principle of Professor Sidgwick," and I ask certainly with Mr. Jinnah, are we here in a state of national peril? Surely, Sir, even the Honourable the Home Member and his associate, who have defended this measure, have not gone the length of describing this country as in a state of national peril. Therefore, Sir, so far as the theoretical considerations are concerned, I submit they go by the board. Now, we descend from the arena of theory to that of practice. Are there any practical considerations which outweigh the initial principle to which even the Honourable Mr. Tonkinson subscribes? I ask the Honourable Member what justification is there for the retention of this measure on the Indian Statute-book, when all the cases mentioned by the Honourable the Home Member were dealt with under the ordinary existing law? The Honourable Mr. Tonkinson has not vouchsafed any reply to it. On the other hand, there is a tone of sub-conscious conviction in my Honourable friend's remarks when he said that there are provisions in this Act which might be modified; and when he has admitted that fact, I submit he has paved the way for the repeal of the whole of it. Surely, Sir, it was up to the Government when they repealed Part I of the Criminal Law Amendment Act to bring in a measure for the amendment of Part II, and when we introduced this Bill in March last, we pointed out the flagrant defects in the enactment, and we gave the Government ample time and opportunity to bring these provisions in line with the dictates of modern jurisprudence. What have they done? Even at the eleventh hour my esteemed friend Sir Chimanlal Setalvad asked the Honourable the Home Member if he was prepared to modify its provisions. What was the response? The response was that he was not prepared to give an undertaking to that effect on behalf of Government. Now, Sir, what

is, then, there to support this measure on the grounds of practical utility or practical considerations? My Honourable friend read to the Members of this House the definition of an unlawful association. He read clause (a) and when clause (b) confronted him, he dropped it like a hot potato. He forgets altogether that, in view of clause (b), clause (a) of section 15 is unnecessary, because, on account of its large terms, clause (b) empowers a Local Government to declare any association as an unlawful association. Therefore, my Honourable friend Mr. Tonkinson studiously avoided mentioning clause (b) or justifying it, and I can only take it that he found it wholly unjustifiable. I think it was with reference to clause (b) that my Honourable friend conceded, by implication that there are provisions in this part of the Criminal Law Amendment Act which might be amended and improved. I, therefore, submit, Sir, that nothing whatever has been said in this long debate on this occasion and on the last occasion which in the slightest degree shakes the position of the Members on this side of the House that this piece of legislation is vicious in principle and vicious in practice and the sooner we remove it from the Statute book the better it will be for the reputation of the Members of this Assembly. What answer has my friend given to the pledge solemnly made by the Repressive Laws Committee, who hoped that the Government would bring forward a repealing Act during the Delhi session of 1922 for the repeal of this measure. Surely, Sir, between January 1922 and September 1924 much time has elapsed. The undertaking given by the members of the Repressive Laws Committee should have made good or the non-compliance with their recommendations justified on the floor of this House. I, therefore, submit, Sir, that, because we stand committed by the recommendations made not only by the members who are representatives of the non-official Members of this House but also by the Home Member, who was a representative of the Government, we are, *prima facie*, justified and entitled to ask for the repeal of this measure. We ask for its repeal upon the first principle, namely, the freedom of men and I ask my European friends, who have struggled for the liberation of themselves and their people, to support this measure of repeal and to uphold individual liberty and the natural right of lawful associations. My friend, the Honourable Mr. Tonkinson, while conceding the principle, said that, if the case goes before a magistrate, a man can show that he is not a member of that association. I can only think that my learned friend has not read section 17, the provisions of which not only make a person, who is a member, liable to the penalty but even a non-member and an outsider liable to punishment if he contributes or receives or solicits any contribution for the purpose of any such association or in any way assists the operations of any such association. Members and non-members, associates and non-associates, are all equally liable to punishment under the provisions of section 17 of Part II of the Criminal Law Amendment Act. Could the provisions of this section be possibly enlarged? And the question that I asked the Honourable Mr. Tonkinson was this. If the magistrate asks the accused to show cause why he should not be sentenced and he says that he is not a member of an unlawful association, it is not open to the magistrate to try the question whether the association is lawful or unlawful. That, I submit, takes away the plenary power of the judiciary to try a question upon which depends the measure of punishment. My friend, the Honourable Mr. Calvert, appealed to the legal element in this House to uphold the authority of law. Sir, I am quits

[Dr. H. S. Gour.]

certain that every lawyer in this House, and for that matter every Member of this House, is anxious to uphold the majesty of the law and the authority of the judiciary and it is inspired by that feeling that I ask this House to support my measure.

**The Honourable Sir Alexander Muddiman** (Home Member) : Sir, I do not propose to detain the House very long. In the first place, I should like to refute the statement that there has been any pledge given that the Bill should be repealed. No such pledge has been given.

**Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna : Non-Muhammadan Rural) : May I ask the permission of the Honourable the Leader of the House to draw his attention to a paragraph which appeared in the speech of Sir Harvey Adamson when the discussion was going on in 1908 ? This is what he said :

“ It has been suggested that the Bill would be more acceptable to the public if a provision were inserted limiting its operation to a stated period. We have considered this point and come to the conclusion that it is better to enact the Bill as a permanent measure. If, happily, conditions improve so as to make it apparent that its provisions are no longer wanted, it will be easy to repeal it.”

**The Honourable Sir Alexander Muddiman** : I quite accept that. But my reference was to the Repressive Laws Committee. The facts are that the Committee definitely recommended that the Criminal Law Amendment Act should not be repealed and it is no use wasting time on endeavouring to extract a pledge by Government out of that report. Whether the law is a good law or a bad law, there is no question of a pledge to repeal it. But, as I said in my speech, if the condition of peace of the country was such as would permit of it, no one would be better pleased than I to see that the law was amended in so far as it is compatible with the peace and good government of the country. Now, the motion before the House is to repeal the law entirely. There has not been one word said—and I do not think there could be one word said—in this House in support of associations “ which encourage or aid persons to commit acts of violence or intimidation or of which the members habitually commit such acts ”. I cannot believe that there is a single Member in this House who desires in any way to protect those associations. Therefore, I take it, that the House do think that, in so far as the associations of the class I have quoted are concerned, there is no case against the Act as it stands. It was said by my honourable friend that unlawful associations of that kind can easily be dealt with under the ordinary law. That is not so. Dr. Gour has just read out to you section 17 and I do not propose to take the time of the House by reading it again. But it is quite clear that section 17 read with section 15A of the Act does give very valuable power.

Now, the main complaint against the Bill is in respect of section 15, clause (b), which gives power to the Executive Government to notify an association as unlawful. It does give that power, and I admit that it is a very great power ; but it does not give that power in an unlimited way. It must satisfy the provisions of section 16, that is, the Local Government must be of opinion that the Association interferes, or has for its object interference with the administration of law and order. You might say—and I admit—that it is a very large power to give the Executive Government, but if the Executive Government exercises its

discretion rightly what harm follows ? Can you contend because of that the whole law should be repealed ? That is the whole question. (*An Honourable Member*: "Who is to be the judge ?")

I wish the Honourable Member would not interrupt. I do not believe there is anybody in this House who wishes that an association rightly declared unlawful should be countenanced. You propose to repeal the whole of this Bill because you object to one clause. That at any rate is my contention.

The next point I wish to raise is this. In the course of the debate it was said that this is a law which is not a law ; though it is open to anyone to disobey it. Have we come to this stage that a man is to decide what law he is to obey ? Is that not the way in which anarchy lies ? Are we to be allowed to pick and choose our laws ? That is no argument for the repeal of a law. I may have a fondness for forgery, but no Legislature is going to repeal that law because I do not like the laws against forgery.

**Sir P. S. Sivaswamy Aiyer** (Madras : Nominated Non-Official) : May I ask if Government are willing to cut out clause (b) ?

**The Honourable Sir Alexander Muddiman** : If the Honourable Member had raised the point before I might have been in a position to give him a definite answer. It is not for myself but for the Government of India that I speak, and I suggest that it is not fair to ask me to make a statement of that kind at the last moment.

**Dr. H. S. Gour** : That was the question put by the Honourable Sir Chimanlal Setalvad.

**The Honourable Sir Alexander Muddiman** : What he proposed was that an appeal should be allowed from the Executive Government to the judicial authorities. (*An Honourable Member*: "Even that has not been done.") A suggestion has been made by other speakers that you may notify a member of an association. You do not do that. You notify the association.

Mr. Jinnah asked me to show him any country in the world where legislation of this kind exists in normal times. The point is that these are not normal times. These are abnormal times. When I am told that there are dangerous conspiracies in the land I certainly do not think that these are normal times.

Another point he made was that no Government could ever come to the Legislature and ask for legislation of this kind in normal times. We are not asking for legislation ; we are endeavouring to maintain legislation that was given to us in abnormal times, and which we are desiring to maintain in times which I regard as abnormal.

My Honourable friend, Pandit Motilal Nehru, drew a picture of Government on the edge of a precipice. If that is so, I am not one of those who would neglect to hold on to any rope I can. Certainly this is not the time to cut away ropes.

Then another gentleman objected, when my Honourable friend was speaking, and said we always had the powers to make a declaration of martial law. Is that a reasonable proposition for any civilised Government ? (*A Voice* : "Is it a civilised Government ?") Are we to wait until the forces of disorder burst upon us, and we are left to the last resort



[Sir Alexander Muddiman.]

of Government? You say that this law is no good against anarchy. I am not prepared to say that. Even if it is not, I am still prepared to retain it.

It has been said that these matters can be dealt with under the ordinary law. Well, there you contend on the one hand that this is an extraordinary law and it therefore must go, and, on the other, that extraordinary situations can be dealt with under the ordinary law. It must be admitted by everybody in this House that there comes a time when the ordinary law cannot work on account of the terrorism of witnesses, mass movements, intimidation, etc. A man even of considerable courage may be intimidated and afraid to give evidence. If one man came to my house and sat on my doorstep it would not perhaps intimidate me; but if 500 or 1,000 came into my compound and refused to leave, it would seriously intimidate me. When you get to that stage the ordinary law does not function. The ordinary law presumes that a man will give evidence if wanted. When you get to the stage when no one will give evidence for you, the police will not take up your case, and the court having insufficient evidence cannot convict. It is then that these extraordinary measures are necessary.

I do beg the House to consider the position. I am not going to repeat all I said about Bengal. It was not for the purpose of endeavouring to get a catch vote; it was really with the object of impressing on the House the position in that province. The list of occurrences I read to you was read with the object of bringing before you not arguments but what has actually occurred. It has found confirmation in other quarters.

One other point. I heard my Honourable friend opposite say that all other so-called repressive laws must go. That is a much more serious proposition. It is not necessary for me to deal with it, but his declaration will provide matter for consideration.

In conclusion, I have nothing more to say to the House than this, that here we are in times that are not normal. We have something in our hands which the Legislature gave us which we ask you not to take away from us. If you do, if you take away all these powers, then there is no stage left between the ordinary law and martial law. (A Voice: "Good government!") I trust the Government is good already. (A Voice: "Self-government!") Surely no man can seriously believe that a change in the form of Government will be a universal panacea.

With these words I oppose the motion.

**Mr. President:** The question is:

"That the Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908, be passed."

The Assembly divided:

AYES—71.

Abdul Karim, Khwaja.  
Abhyankar, Mr. M. V.  
Acharya, Mr. M. K.  
Ahmad Ali Khan, Mr.  
Aiyangar, Mr. O. Duraiswami  
Aiyangar, Mr. K. Rama.  
Ayer, Sir P. S. Sivaswamy.  
Ahmuzzaman Chowdhry, Mr.  
Aney, Mr. M. S.

Badi-uz-Zaman, Maulvi.  
Belvi, Mr. D. V.  
Chaman Lall, Mr.  
Chanda, Mr. Kamini Kumar.  
Das, Mr. Bhubanananda.  
Das, Mr. Nilakantha.  
Datta, Dr. S. K.  
Duni Chand, Lala.

Dutt, Mr. Amar Nath.  
 Ghazanfar Ali Khan, Baja.  
 Ghulam Bari, Khan Bahadur.  
 Goswami, Mr. T. C.  
 Gour, Dr. H. S.  
 Gulab Singh, Sardar.  
 Hans Raj, Lala.  
 Hussanally, Khan Bahadur W. M.  
 Hyder, Dr. L. K.  
 Ismail Khan, Mr.  
 Iyengar, Mr. A. Rangaswami.  
 Jeelani, Haji S. A. K.  
 Jinnah, Mr. M. A.  
 Joshi, Mr. N. M.  
 Kartar Singh, Sardar.  
 Kasturbhai Lalbhai, Mr.  
 Kasim Ali, Shaikh-e-Chatgam, Maulvi  
 Muhammad.  
 Kelkar, Mr. N. C.  
 Lohokare, Dr. K. G.  
 Mahmood Schammad Sahib Bahadur, Mr.  
 Malaviya, Pandit Krishna Kant.  
 Malaviya, Pandit Madan Mohan.  
 Mehta, Mr. Jannadas M.  
 Misra, Pandit Shambhu Dayal.  
 Misra, Pandit Harkaran Nath.  
 Murtuza Sahib Bahadur, Maulvi Sayad.  
 Mutalik, Sardar V. N.

Nambiyar, Mr. K. K.  
 Narain Dass, Mr.  
 Nehru, Dr. K. Shamlal.  
 Nehru, Pandit Motilal.  
 Nehru, Pandit Shamlal.  
 Neogy, Mr. K. C.  
 Patel, Mr. V. J.  
 Piyare Lal, Lala.  
 Purshotamdas Thakurdas, Sir.  
 Ramachandra Rao, Diwan Bahadur M.  
 Rajan Bakhsh Shah, Khan Bahadur.  
 Makhdum Syed.  
 Rangachariar, Diwan Bahadur T.  
 Ranga Iyer, Mr. C. S.  
 Ray, Mr. Kumar Sankar.  
 Reddi, Mr. K. Venkataramana.  
 Samiullah Khan, Mr. M.  
 Sarda, Rai Sahib M. Harbilas.  
 Sarfaraz Hussain Khan, Khan Bahadur.  
 Shafee, Maulvi Mohammad.  
 Shams-uz-Zoha, Khan Bahadur M.  
 Singh, Mr. Gaya Prasad.  
 Sinha, Mr. Ambika Prasad.  
 Sinha, Kumar Ganganand.  
 Tok Kyi, Maung.  
 Venkatapatiraju, Mr. B.  
 Vishindas, Mr. Harchandrai.  
 Yusuf Imam, Mr. M.

## NOES—40.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Abul Kasem, Maulvi.  
 Ajab Khan, Captain.  
 Akram Hussain, Prince A. M. M.  
 Bhoje, Mr. J. W.  
 Blackett, the Honourable Sir Basil.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Chalmers, Mr. T. A.  
 Chatterjee, The Honourable Mr. A. C.  
 Cocke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Duval, Mr. H. P.  
 Fleming, Mr. E. G.  
 Gidney, Lieut.-Col. H. A. J.  
 Hezlett, Mr. J.  
 Hindley, Mr. C. D. M.  
 Hira Singh, Sardar Bahadur Captain.  
 Holme, Mr. H. E.  
 Hudson, Mr. W. F.  
 Innes, The Honourable Sir Charles.

Lindsay, Mr. Darcy.  
 Lloyd, Mr. A. H.  
 Makan, Mr. M. E.  
 Moncrieff Smith, Sir Henry.  
 Muddiman, The Honourable  
 Alexander.  
 Muhammad Ismail, Khan Bahadur  
 Saiyid.  
 Nag, Mr. G. C.  
 Naidu, Mr. M. C.  
 Parsons, Mr. A. A. L.  
 Rushbrook-Williams, Prof. L. F.  
 Sams, Mr. H. A.  
 Sastri, Diwan Bahadur C. V. Visvanatha-  
 Singh, Rai Bahadur S. N.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Tottenham, Mr. G. R. F.  
 Webb, Mr. M.  
 Willson, Mr. W. S. J.  
 Wilson, Mr. R. A.

The motion was adopted.

## THE INDIAN EVIDENCE (AMENDMENT) BILL.

**Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely & Non-Muhammadan Rural): Sir, I beg to move:

“That the Bill further to amend the Indian Evidence Act, 1872, be referred to a Select Committee consisting of Mr. M. A. Jinnah, Mr. B. Venkatapatiraju, Khan Bahadur Ghulam Bari, Diwan Bahadur C. V. Viswanatha Sastri, Sir Henry Moncrieff Smith, Diwan Chaman Lal, Sardar V. N. Mutalik, Sardar Gulab Singh, Dr. H. S.

[Mr. K. Rama Aiyangar.]

Gour, Mr. M. C. Naidu and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I have already got the leave of the House. The main point of the Bill is that the law relating to mortgage, as has been explained in the recent decision of the Privy Council, necessitates proof that the attester actually saw execution by the executant. Unless that is done, even though there is no defence in the case, the suit will have to be dismissed. Simply because the attestors are kept out, or even though they come they do not say that they actually saw the execution by the executant, the suit stands dismissed. Of course, the discussions in that ruling will clearly show that the provision is intended to avoid frauds being committed. I am of opinion that the substantive law is all right and must be so, but the real question is whether, when there is no defence and when by some means the attestors are kept out, or even if they come they are made to say that they did not see the executant sign the document, when those things happen, whether the suit should stand dismissed. Attempts have been made more than once here to amend the law suitably to avoid any injustice being done in these cases. Of course, the question arises whether the Transfer of Property Act, section 59, could be amended to give the needed relief, or section 68 of the Indian Evidence Act. In fact, I wanted to amend section 114 of the Indian Evidence Act to give this relief on a previous occasion, but on an objection taken on behalf of the Government leave was not granted to me to amend section 114. The scope of this Bill is such that it will include an amendment of any of the sections so as to give the required relief. In fact, I may say that the scope and principle of this Bill is to find a suitable amendment. I also refer in the Statement of Objects and Reasons to the wording of section 59 of the Transfer of Property Act, "signed by the mortgagor and attested." "Attested" under the Evidence Act should include proof of the fact of acknowledgment by the signatory, but under the law as has been now laid down by the Privy Council it is not possible to allow proof in that form before the courts of justice. The courts feel hampered, the parties feel hampered and justice requires that something must be done. I therefore place it before the Assembly so that a Select Committee may go into the question. It has been suggested by some of my Honourable friends that the wording should be changed. For that and other reasons I beg to move that a Select Committee be formed to consider this matter. I move the motion standing in my name.

**Sir Henry Moncrieff Smith** (Secretary, Legislative Department): Sir, I regret that I have to oppose my Honourable friend's motion, in the first place, because he has done me the honour to invite me to serve on the Select Committee, secondly, because I realise his earnestness in endeavouring to bring about a change in the law regarding attestation, and thirdly, because everybody recognises the great industry he has displayed in drafting Bills on this subject. He has himself referred to the fact, and it will be within the recollection of the House, that in February last he tried to effect the very same object, that he has now, by a Bill to amend a certain provision of the Indian Evidence Act. He has told the House that leave to introduce the Bill was refused because the Assembly was of opinion that it was not the right way to set to work about it. I am not quite sure that my Honourable friend does this House full justice in that matter. I had to oppose Mr. Rama Aiyangar's motion on that occasion on two

grounds. One was that the drafting of the Bill was unsatisfactory and the order was that the principle of the Bill was bad. At all events the House did not consent to any change in the law in this respect. Now, to a large extent my objections to this Bill are the same as they were last February in connection with my Honourable friend's first Bill. As regards the drafting Mr. Rama Aiyangar has admitted that his language is not perfect. I do not propose to say anything about the language because I recognise that it may be possible to put that right in the Select Committee. I am not satisfied that even so my Honourable friend is going the right way to work to effect the change in the law which he requires. The Privy Council, dealing with this subject, laid down in the case to which my Honourable friend has referred, that is, I. L. R. 35 Madras, that it was clear that the Indian Legislature intended in section 59 of the Transfer of Property Act to use the word "attest" in the same sense in which it is used in the English law, that is to say, they said "attested" in section 59 means "proved by the evidence of a witness who saw the execution, who actually witnessed the signature of the executant of the document." My Honourable friend proposes to amend the Indian Evidence Act, and to leave section 59 of the Transfer of Property Act unchanged, and without any change in the wording of section 59 of the Transfer of Property Act he assumes that the word "attest" by reason of this Bill which he has introduced will acquire another meaning, a meaning different from that meaning which the Privy Council has ascribed to it. Therefore, Sir, I am not at all convinced that the proper way to effect his object is by a mere amendment of section 68 of the Indian Evidence Act. The House will remember that the object has been achieved in another way in another law. If my Honourable friend will refer to section 50 of the Indian Succession Act (Act X of 1865) he will find that there is quite an elaborate definition of the word "attest" and an elaborate description of the methods of *attestation* in regard to wills. Therefore if our law is to be consistent in its methods the proper place to provide for this amendment in the law is probably in section 59 of the Transfer of Property Act, or in some place in that Act at all events, and not by an amendment of the Evidence Act alone. But I have a further objection to the Bill on principle; and if I have to repeat some of the remarks I made in opposing the introduction of the Honourable Member's Bill in February it is because the arguments I then used seem to me to apply with equal force to the Bill which is at present before the House. My Honourable friend said that the Privy Council have laid down what is the law on the subject in India,—the law of attestation of mortgages—but as I pointed out to him on the previous occasion I think the Privy Council went very much further than that. They not only laid down what the law was but they indicated very clearly their opinion that this is what the law should be, in other words, that no change in the law was desirable. In that case, reported in 35 Madras, the Judicial Committee reviewed a large number of English cases on this point. They quoted with approval from various judgments of the English courts. With reference to an argument that attestation in England meant no more than what my Honourable friend desires it should be, namely, the evidence of a witness who says that in his presence the executant acknowledged his signature, the Privy Council said that this extended construction would be "a dangerous determination and destructive of those barriers the statute-erected against perjury and frauds". They also said in regard to the particular case that was then before them, after having explained that

[Sir Henry Moncrieff Smith.]

the word "attested," in their opinion, was used in the Indian law in the same sense in which it was used in the English law that :

"section 59 of the Transfer of Property Act in requiring that in a certain class of cases a mortgage can be effected only by a registered instrument signed by the mortgagor and attested by at least two witnesses, could only mean that the witnesses were to attest the fact of execution. Any other construction, in their Lordships' opinion would remove the safeguards which the law clearly intended to impose against the perpetration of frauds."

And later on they say :

"Nor do their Lordships agree with the view expressed by the learned Judges (that is the Judges of the Madras High Court) regarding the policy of placing a larger construction on the word in consequence of the social institutions of the country. Those very institutions, their Lordships consider, make it necessary that the barriers against perjury and fraud to use the language of the Master of Rolls, in *Ellis v. Smith*" (which I have just quoted) "should not be removed upon speculative considerations."

That very clearly indicates, Sir, that deliberate safeguards were placed into our law and that the Judicial Committee expressed their approval of the existence and the maintenance of those safeguards. This House has more than once posed as the champion of the poor man and the man of the lower classes who has to find himself in opposition at times to those who are in a better position and well-to-do. Now, the question arises in this case, Sir, who really requires protection. It is a case of the money-lender against his debtor. The law has thought fit to afford certain safeguards to the debtor. Does this House think it desirable that those safeguards should be whittled away and that the law should be made easier for the money-lender? That is not the line that the Legislatures in this country have taken so far. It is not very long ago that the Central Legislature passed a Usurious Loans Act. The House is well aware that in several provinces there are laws placing restrictions on the alienation of land and the object of those laws is in every case to protect the improvident person from the money-lender in his part of the world. At one period of my career, Sir, I was a Judge. I am not a lawyer and it is with some diffidence I am speaking on this matter in a House in the composition of which there are so many eminent lawyers. In my experience as a District Judge, at one period, 80 or 90 per cent. of the appeals that I tried from subordinate civil courts were appeals in mortgage cases, and my experience of those cases was this, that there was no necessity whatever to make things easier for the money-lender. It was the mortgagor in every case who was up against difficulties and who had always found it hard to establish that the case against him was a false case, even when there was really very little doubt that the case was a false one, that the mortgage deed was a forgery. To a certain extent my Honourable friend's Bill shifts the burden of proof. The law has laid down that strict proof is required in the case of a mortgage for the reasons which I have already advanced; and my friend without exactly shifting the burden of proof to the other party proposes to make it easier for the holder of a mortgage deed to prove execution. That, Sir, is a direction in which this Legislature should not consent to go. Further it is most certainly a matter into which, I think, the law should not introduce presumptions. There should be strict proof on one side or the other in this matter. My Honourable friend's Bill introduces a presumption in the matter. That goes back possibly to the drafting question; but as he has drafted the Bill I think it would be rather difficult to get away from his idea of bringing in a presumption. Attestation is a matter of solemnity. It is a solemn procedure and

I think it should remain so. There is one more difficulty about my Honourable friend's Bill. How long after execution does he contemplate that an attesting witness will be able to appear, to sign a deed and to say "the executant acknowledged his signature in my presence" ! Perhaps 25 years ago a mortgage deed was signed or purported to be signed. There was no attestation at all at that time. For 25 years or so, that mortgage deed remains an invalid document, it cannot be proved; and then one day comes the mortgagee with a witness who says "Yesterday the mortgagor acknowledged that he signed this in my presence and I accordingly signed it myself as an attesting witness." There is a mortgage deed which certainly becomes validated by my friend's legislation and which for 25 years has been an utterly worthless and invalid document. That is a matter that will have to be very carefully looked into, and I do not see how anything could be welded on to this Bill to remove that particular defect.

My friend referred to *ex parte* cases and the difficulty experienced in cases where the defendants do not appear, or in cases where execution was even admitted, but I am unable to see in what way his Bill will remove these difficulties. And I am not at all sure that if there are difficulties that they ought to be removed. This House is well aware that in certain parts of India and in Burma there is a regular trade in fraudulent suits. A suit is brought; a corrupt process server appears in court and says "I served a summons on the defendant". That summons was never served. There are various ways of proving that a summons was served when it never has been served; an *ex parte* decree is obtained and after the defendant is put to the greatest difficulty first of all in getting the *ex parte* decree set aside and then in contesting the suit. I feel, Sir, that in this matter of *ex parte* decrees it would be very dangerous to make things easier for the decree holder.

This is not by any means the first time or even the second time that this matter has come before this House. As I explained in February; there was a Bill in 1916 introduced by my Honourable friend Pandit Madan Mohan Malaviya. In the course of that Bill my Honourable and learned friend tried to amend the law in the very way in which my friend Mr. Rama Aiyangar is now seeking to do; and, Sir, it was not the House on that occasion that rejected his proposal. My learned friend withdrew it himself. He did not press it I think because he realized the difficulty. Then, four or five years later, Mr. Rangachariar, who is still a Member of this House, also introduced a Bill on this subject. Again the House affirmed the principle that it would not alter this law on the subject of attestation; and for the third time in February last the House rejected the Bill of my Honourable friend. I cannot see, Sir, that circumstances have so changed that the Central Legislature should now reconsider the matter. I think the House should be consistent and should refrain from proceeding with this Bill, the principle of which I think is objectionable, and it is that principle my Honourable friend now asks the House to agree to when he moves that the Bill be referred to a Select Committee. I hope the House will not agree to that motion.

**Dr. H. S. Gour** (Central Provinces Hindi Divisions : Non-Muhamadan) : The Honourable Sir Henry Moncrieff Smith has attacked the principle of this Bill, and in doing so he has quoted the words of the Privy Council who in the Madras case laid down that any thing but

[Dr. H. S. Gour.]

the narrow view which their Lordships were enunciating would remove the barriers against perjury and fraud. May I ask my learned friend here whether in laying down the law their Lordships of the Privy Council have not unconsciously swept away the barriers against perjury and fraud, and whether it is not a fact that since the enunciation of that novel doctrine by that august tribunal the prices of attesting witnesses have not gone up by leaps and bounds, and whether it is not a fact that a mortgage suit has become a mere gamble in which the mortgagee stands to gain or lose according to whether he is prepared to suborn attesting witnesses or not. Now Sir, I beg to submit that I am somewhat surprised that the Honourable Sir Henry Monierieff Smith should have called into requisition his somewhat antiquated experience as a District Judge. I refer, Sir, to the Honourable Members of this House, what they feel every day in their practice and whether it is not a fact that this enunciation of the law by the Privy Council has wrought incalculable mischief in the administration of the law relating to mortgage. My Honourable friend says that you must not make the law easier for the money-lender; but has my Honourable friend adverted to the fundamental doctrine which underlies the law of attestation from a time immemorial. When Gladstone wrote his celebrated commentaries, an attesting witness was supposed to be the contemporaneous repository of the facts and circumstances attending the execution of a document; and the reason why the Indian Evidence Act requires the calling of an attesting witness to prove execution of the document is not that he saw the executant affix his signature, but because he is the living witness who can depose to the facts and circumstances which led up to the execution of the document—he is the witness who tells you how the contract was made, how the negotiations developed, under what circumstances whether of fair play or fraud the execution of the document was brought about. That is the object of attestation. Their Lordships of the Privy Council say that an attesting witness is a witness who saw the executant affix his signature or mark to a mortgage deed. Now Sir, let me illustrate to you a simple case. A witness is present before and during the execution of a document. He knows all the circumstances attending its execution, but just when the signature is being affixed he happens to be accidentally absent. He comes before the court and says: “I know all about the execution of this document. I know the executant; I know all the negotiations that took place between the executant and executee. I know the circumstances which brought about this transaction, but just at the moment of time when he was affixing his signature I happened to be absent”. I ask, Sir, as a man of common sense what would be your verdict? Would you not say that that man is a competent witness and is able to prove the execution, namely, the making of that document? And yet their Lordships of the Privy Council have ruled out his evidence as inadmissible for the purpose of proving the execution of a document as required by section 59 of the Transfer of Property Act. Well, Sir, I submit that that narrow view of the meaning of “attestation” should not find acceptance upon the floor of this House. My Honourable friend has referred to the previous history of attestation in this country. If I remember aright, my friend Pandit Madan Mohan Malaviya’s Bill was limited to the United Provinces and it was with reference to mortgages that were executed in the United Provinces where the wider view I am advocating prevailed till the current view of the High Court was overruled by the

Privy Council. With reference to the Honourable Mr. Rangachariar's Bill, I did have some part in opposing it, but not on the ground of principle. I was in full sympathy with the principle, but his Bill was ill-conceived, and I am afraid, Sir, on that very ground I have the misfortune to oppose my friend, Mr. Rama Aiyangar's Bill, for while I admit that you must change your law of attestation—and I further go and say that the law of attestation must be changed at the instance of the Government—I am afraid, when we examine the detailed provisions of this Bill, I find that my friend is trying to amend a wrong Act of the Indian Legislature. What he should have done is to add an *Explanation* to section 59 or an interpretation clause to section 3 of the Transfer of Property Act where he can define the meaning of the words "to attest", by adding words, something to the following effect: "the words 'to attest' in this Act include an admission" and so forth. If he had done that, I have not the slightest doubt that this House would have accepted his motion, but when he wishes to modify the provisions of the Indian Evidence Act, he is doing circuitously what the circumstances of the case require that he should do directly. He should have taken the bull by the horns and either added an *Explanation* to section 59 of the Transfer of Property Act and said "the words 'to attest' in this section include an admission", or, as I have suggested, he should have added an interpretation clause to section 3 of the Transfer of Property Act. Not having done that, I am afraid I shall be constrained to vote against his Bill, but not because I do not agree with the principle. I have always agreed with the principle, and my friend the Honourable Mr. Rangachariar is a witness to the fact that when he brought forward a similar Bill, I entirely supported the principle, though in his case also I was constrained to vote against it on the ground that the proposal of the Honourable Mr. Rangachariar was wrong in its details. I am afraid I shall have to do the same to-day, and I would therefore ask my friend to withdraw his Bill and redraft the Bill for the amendment of the Transfer of Property Act on the lines I have suggested; and I have not the slightest doubt that if he does so, his Bill will find a smooth passage in this House.

**Mr. H. E. Holme** (United Provinces : Nominated Official) : Sir, I do not wish to repeat the hackneyed saying that hard cases make bad law. But surely the case cited by the Honourable Dr. Gour would be a very exceptional, if not for practical purposes an impossible case. Here is a man who knows all the circumstances of the attestation, he has been there during the whole of the proceedings, and yet at the very instant at which the executant affixed his signature to the document, he happens to be unavoidably absent. Surely, as the Honourable Sir Henry Moncrieff Smith pointed out, an attestation being a solemn act, the man who had been specially called to witness the execution, would not be absent at the exact time when it took place. There is one other point I wish to refer to, and that is that in the Statement of Objects and Reasons it is mentioned that :

"The decision of the Privy Council has caused considerable difficulty in administering justice even when a party is *ex parte* or admits execution, if the attestors are gained over."

I cannot see what cause will remain if the attestors are gained over, whether this Bill is passed or not. It is certainly a most deplorable state of things and one which often occurs I am afraid (and for some reason or other it has occurred with greater frequency since the Privy Council decision, although I cannot see what that has to do with it) when the attestant



[Mr. H. E. Holme.]

is bribed or threatened or won over in some way, but if he falsely denies having seen the executant affix his signature, surely under those circumstances he can equally deny that the executant has acknowledged his signature, and that would make no difference. Moreover, I think there is a section in the Evidence Act, I forget the number, which says that if the attesting witness denies or does not recollect the execution of a document, the execution may be proved by other evidence. (*Dr. H. S. Gour* : "That is a presumption of law.") Surely it is, I should be very much surprised if it was not, in the Evidence Act. (*Mr. H. Tonkinson* : "Section 71.") That, I think, amply meets all the objections as far as the corruption of attesting witnesses is concerned. It simply means that if they are won over, the provision of the Evidence Act, which requires their evidence is wiped out and the law becomes the same as if the document is not required to be attested. Sir, it appears to me for the reasons already given that the Bill is unnecessary and will not affect the object which is aimed at. I therefore oppose it.

**Sir P. S. Sivaswamy Aiyer** (Madras : Nominated Non-Official) : Sir, I am in sympathy with the objects of the Mover of this Bill, and I think there is a case for some alteration in the law. But I am afraid that the method which he has chosen is not exactly the right method of achieving this end, and I think it is justly open to some of the criticisms which have been made against the Bill by the Honourable Sir Henry Moncrieff Smith. I do not propose to criticize the drafting of the Bill. The proper method of achieving the object which the Honourable Mr. Rama Aiyangar has in view seems to me to be the amendment of section 59 of the Transfer of Property Act, and here I should like a ruling from the Chair as to whether the Select Committee would be acting *ultra vires* if they changed a Bill to amend the Evidence Act into a Bill to amend the Transfer of Property Act. If you, Sir, hold that it would be competent to the Select Committee to do that, I am quite willing that it should go to the Select Committee. On that matter I know you have allowed considerable latitude to the Members of this House, but I wish to know whether you would be prepared to stretch that latitude to this extent. If you are prepared to do so, I should support this motion for referring the Bill to the Select Committee.

Passing on, Sir, to the other criticism which has been made by Sir Henry Moncrieff Smith with regard to the policy of requiring the attestation of two witnesses with regard to mortgages what I should like to observe is this, that you may retain the formality of attestation, but as to what exactly "attestation" should mean, you may interpret it liberally. For instance there is one class of instruments which are at least as important as mortgages and that is wills. Now with regard to wills under section 50 of the Indian Succession Act the word "attestation" is used in a wider sense. Under section 50 it is stated :

"The will shall be attested by two or more witnesses each of whom must have seen the testator sign or affix his mark to the will, or have seen some other person sign the will, in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person."

Those are the lines on which I think some alteration of the law is required with regard to the meaning of "attestation" in the Transfer of Property Act. If it were competent to the Select Committee to go into this question under your ruling and introduce some such amendment, I shall not mind in the least ; but if it is not so competent, I hope my friend Mr. Rama

Aiyangar will withdraw this Bill and introduce another Bill and I hope that it may not share the fate of my friend Mr. Rangachariar's Bill but will meet with the same generous reception that the present Bill has received from the Honourable Dr. Gour.

**Mr. N. M. Joshi :** I move that the question may now be put.

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : Sir, reference has been made to the Bill which I sought to bring before this House in 1921. I then adopted the deliberate course of bringing into line all documents relating to transfers of property dispensing with compulsory attestation of documents. The Transfer of Property Act makes a distinction as to the method of executing documents including attestation in respect of various classes of transfers. In the case of sales and in the case of exchanges, the law does not make it obligatory that the document should be attested, whereas in the case of mortgages and gifts the law requires that the document should be executed and attested by at least two witnesses. I considered what course to adopt, whether to bring the definition of "attestation" into line with the definition of "attestation" in the Indian Succession Act or to drop this compulsory provision requiring attestation. I adopted the latter course and brought the Bill before the House and took its vote on that principle, namely, whether there should be compulsory requirement as regards attestation. The House refused to accept my view, namely, that it should be dispensed with. But, on the other hand, the opinions then received were largely in favour of the first alternative, namely, to bring the definition of "attestation" into line with the definition as in the Indian Succession Act, and I take it that my Honourable friend Mr. Rama Aiyangar has got that object in view. Unfortunately, he has chosen the wrong Act to apply the remedy ; and I therefore join with my Honourable friend Sir Sivaswamy Aiyer in requesting him to withdraw this Bill and bring in a Bill to amend the Transfer of Property Act or to introduce a general definition of "attestation" in the General Clauses Act. One of the two courses might be adopted to achieve the object he has in view, and I therefore press upon him to withdraw the motion.

**Mr. President :** Sir Sivaswamy Aiyer has put to me a point of importance to which I think the answer must be obvious. (At this stage Mr. K. Rama Aiyangar rose to speak) What does the Honourable Member want ? He knows that the President is in possession of the House.

Sir Sivaswamy Aiyer has put to me a point of importance to which I think the answer must have been obvious to him. It would be *ultra vires* on the floor of this House to propose such an amendment ; it must certainly be *ultra vires* in the Select Committee.

**Mr. K. Rama Aiyangar :** May I point out, Sir, with reference to the President's ruling. I say in the Statement of Objects and Reasons :

"It is proper that the needed amendment must be made to section 59 of the Transfer of Property Act or section 68 or section 114 of the Indian Evidence Act. It is submitted that though the substantive law may continue as before, the proof needed may be modified so as to give scope for justice being rendered where formal impediments stand in the way."

I also say in the last paragraph :

"The scope and principle of the Bill is to find the suitable amendment. It might be noted that in section 59 of the Transfer of Property Act the words used are 'signed by the mortgagor and attested'."

I have mentioned it with the view that the President may in a case of this kind, if there is difference of opinion, allow the matter to be considered

[Mr. K. Rama Aiyangar.]

and suitable amendment made. Of course if the Select Committee decides on a suitable amendment other than that which I propose, I should have no objection to withdraw my Bill. But I want to make my observations before I am prepared to follow the advice that has been given to me by my Honourable friends, for whom I have got the greatest regard. I must mention that the whole position taken by the Honourable Sir Henry Moncrieff Smith is that it is better to place some difficulty before the House, so that the matter is not taken up as early as possible. That seems to be the actual trend of events. Section 59 was sought to be amended ; section 114 was sought to be amended and other attempts were made, but every time this kind of objection is put forth. Dr. Gour's idea of course is worth noticing. But if section 59 is left as it is and attestation is made to include the provision that he refers to, I really do not know if the object, which their Lordships of the Privy Council have brought forth so clearly in the decision, will be achieved. Therefore it is that I took the view that it would be better to make proof in cases of such documents possible to courts, so as to decide properly on the merits and in the interests of justice. That was the view that I took. As regards the point that was made by my other friend relating to section 71, I have read that section of the Evidence Act closely, and it will be seen that it refers to cases where the attester denies his signature or where he does not remember, but it does not refer to a case where he remembers but he begins to say that he did not see the executant sign. That does not apply to that case. I have read that section carefully and it will not apply to the case that I referred to.

**Mr. H. Tonkinson :** Section 71 reads as follows :

"If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence."

I am afraid my Honourable friend's last statement is not in accordance with that section.

**Mr. K. Rama Aiyangar :** It is not a question of not remembering, but it is a question of remembering but saying that he did not see the executant sign it. That question also arises. It would not cover all the cases. If you will please note it, you will see that what I say is all right. That question it is that has to be solved by this present amendment that I propose. Therefore, the whole question is a question of difficulty. I do not want just to have it settled on the floor of this House as to which is the proper thing to do. That that amendment is needed is almost conceded by all my friends. If it goes to the Select Committee, I have requested that they may have scope to amend any one of these sections. On the ruling of the President, the matter will stand. I want the whole thing to be taken up and disposed of. If they consider and decide that it should be by an amendment of another section, I shall have no objection to withdraw this Bill and then bring in another Bill. At this stage I submit I wanted specially that this kind of argument ought not to be brought forth before the House to see that it is shelved. I only want to dispose of this without any further delay.

**Mr. President :** The question is :

"That the Bill further to amend the Indian Evidence Act, 1872, be referred to a Select Committee consisting of Mr. M. A. Jinnah, Mr. B. Venkatapatiraju, Khan Bahadur Ghulam Bari, Diwan Bahadur C. V. Visvanatha Sastri, Sir Henry Moncrieff Smith, Diwan Chaman Lal, Sardar V. N. Mutalik, Sardar Gulab Singh, Dr. H. S. Gour, Mr. M. C. Naidu and Mr. K. Rama Aiyangar, and that the number of members

whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was negatived.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

#### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been received from the Secretary of the Council of State :

"I am directed to inform you that the Council of State have at their meeting of the 23rd September 1924 agreed, without any amendments, to the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside India, which was passed by the Legislative Assembly on the 19th September 1924."

#### THE INDIAN REGISTRATION (AMENDMENT) BILL.

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

"That the Bill further to amend the Indian Registration Act, 1908, be referred to a Select Committee consisting of the Honourable the Home Member, Sir Henry Monierieff Smith, Mr. K. Rama Aiyangar, Diwan Bahadur C. V. Visvanatha Sastri, Diwan Chaman Lal, Mr. G. C. Nag, Mr. K. Ahmed and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, this is a very short Bill and my object is explained in the Statement of Objects and Reasons. Under the Indian Registration Act, as it stands, as Honourable Members are aware, if the executant of a document appearing before a Sub-Registrar denies the execution of the document, the Sub-Registrar has no option but to refuse registration and the party has to go up to the District Registrar and ask him to make the necessary inquiries in order to get the document registered. There was a time, no doubt, when Sub-Registrars were not sufficiently educated or sufficiently responsible to be entrusted with this duty of inquiring into the execution of documents. As it is, Honourable Members will have noticed that Sub-Registrars are authorised by other sections of the Act to hold inquiries in certain other matters. However innocent the document may be and however small and insignificant it may be, the parties are compelled to resort to district headquarters, to go before the Registrar, to get proof of its execution and get the registration completed. It is to obviate this difficulty that I have brought in my Bill. That is the principle underlying the Bill. I seek to do so by enabling Local Governments to authorise Sub-Registrars to perform the functions of the Registrar. Whether that is the right method or some other method can be devised in the Select Committee, is a matter for further consideration.

I notice on the agenda a motion by my friend the Honourable Mr. Tonkinson, that the Bill should be circulated for opinion. I agree with him, Sir, that in a matter like this opinion should be taken and am quite willing to accept that motion if it should be made.

**Mr. H. Tonkinson** (Home Department : Nominated Official) : Sir, I move :

"That the Bill further to amend the Indian Registration Act, 1908, be circulated for the purpose of eliciting opinion thereon by the 1st February 1925."

[Mr. H. Tonkinson.]

Sir, as my Honourable and learned friend Mr. Rangachariar has agreed that this is not an inappropriate motion to make on this occasion, I do not desire now to question either the principle of the Bill or its form. As my Honourable friend has explained, the Bill is a permissive one and it will be for the Local Governments to decide whether in any particular case a Sub-Registrar should be given the powers which it will be possible to give if this Bill becomes law. My one point, Sir, is that Registration is a transferred subject and this Bill proposes an amendment in a law relating to Registration. Now the responsibility for the administration of that subject is vested in the Ministers. Some of us here may have had at one time or another some considerable experience—perhaps antiquated experience—in regard to the control of this subject. But that, Sir, must have been in other capacities. But now, especially when this subject is a transferred one, we receive no direct information in regard to the administration of the subject of Registration. Many Honourable Members also are interested in the question of the attainment of provincial autonomy and I submit, Sir, that the growth of such autonomy would be seriously impeded if, in a case where the administration of a subject has been transferred to Ministers, we, in this Legislature, proceed to amend that law without obtaining the views of the responsible Ministers.

Sir, with these words I move my amendment.

**Mr. President :** Amendment moved :

“ That the Bill further to amend the Indian Registration Act, 1908, be circulated for the purpose of eliciting opinion thereon by the 1st February 1925.”

The question I have to put is that the Bill be circulated.

The motion was adopted.

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

**Diwan Bahadur T. Rangachariar** (Madras City : Non-Muhammad-an Urban) : Sir, I beg to move :

“ That the Bill to provide that, when firearms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given, be referred to a Select Committee consisting of the Honourable the Home Member, Mr. M. A. Jinnah, Dr. H. S. Gour, Sardar Gulab Singh, Mr. B. Venkatapatiraju, Raja Ghazanfar Ali Khan, Mr. H. Tonkinson, Mr. T. C. Goswami, Mr. B. C. Pal, Pandit Madan Mohan Malaviya, Mr. W. S. J. Willson and, with your permission, Colonel Crawford and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven.”

Sir, the title of the Bill is self-explanatory. The principle which I seek to emphasise by my Bill is that the provisions in the Criminal Procedure Code relating to the dispersal of unlawful assemblies by the use of firing and of firing by the military are inadequate in certain respects, especially in cases where the authorities, civil or military, have to resort to the use of fire-arms in dispersing such unlawful assemblies. The defects in the Criminal Procedure Code were noticed for a long time and were brought to prominence in the unfortunate Punjab tragedies. So much so that my Honourable friend, the Right Honourable Srinivasa Sastri, brought in a motion on the 3rd March 1921 in the Council of State recommending the acceptance of certain Resolutions and asking for the amendment of the provisions of the Code on the lines, more or less, which I have indicated in the various clauses of the Bill which I have introduced. Sir, there was

a long discussion in the Council of State when our Honourable friend opposite was in the Chair there. The Government accepted two of the clauses and, on the division, the rest of the clauses were defeated. But two of these clauses were accepted on behalf of Government and also by the Council of State. Then, Sir, in pursuance of that Resolution the Government brought in a Bill to amend the Criminal Procedure Code to give effect to one of the objects enumerated in that Resolution. That passed the Council of State, and when it came up to this House to be passed by this House, amendments were sought to be made in this House seeking to amend the Code further. That amendment I had the honour of giving notice of, and when the amendments were tabled, the then Home Member apparently disapproved of them and he wanted to consider what steps he should take thereafter ; but the Government never chose to bring in a Bill.

The point which I wish to emphasise from that procedure is that Government themselves felt that there was a necessity to amend the sections of the Code dealing with the dispersal of unlawful assemblies. In some respects, no doubt the only difference between them and this side of the House was whether the amendments went far enough. I considered that they did not go far enough to meet the requirements of the case. They thought perhaps that discretion was the better part and they threw up the Bill altogether.

It is a matter on which we feel very strongly that the law ought to be amended. Speaking for myself at any rate, I am very anxious that the executive should be clothed with all reasonable and legitimate power to disperse unlawful assemblies and to put an end to riot, because, Sir, the possibilities arising out of mischief of that sort are immense. But I do feel that the law in this country is quite different from the law in England in essential respects. I see no reason why it should be different, at any rate to the extent it is. The possession of firearms is rather a dangerous incentive to certain people, like those who get easily panic-stricken and people who cannot keep their nerves steady. I do not object to people keeping firearms who can keep their nerves and do not easily rush into panic. Also there are dangerous views held by certain executive officers in this country that it is their solemn duty to kill people in order to create a moral effect, not in the places where the crowds are assembled, but in other parts of the country. I am glad to see, Sir, that His Majesty's Government and the Government of India have recently deliberately dissociated themselves from inculcating any such doctrines in the minds of executive officers, because there can be no more dangerous doctrine which can be propounded in the government of a country. It is the surest way for such a Government to come to an end, however weak the people may be. The weakest animals always find means of getting rid of tyrants, and I am not sure that weak as we are we cannot one day rise and put an end to tyranny, if tyranny continues. I am therefore anxious that the law should serve the purpose of the executive, while also protecting the people from dangerous misuse. As you know, Sir, and as the House also knows, there are ample safeguards in the provisions of the Indian Penal Code, a Code which has stood the test of time, a Code of which the English legislators can well be proud. There are ample safeguards in the Chapters relating to general exceptions and private defence in the case of public officers doing their duty fearlessly, so long as they perform their duty in good faith. Now the provisions in the Criminal Procedure Code give unnecessary additional protection to officers engaged in this unpleasant task. I do not think that any human being is so bad as to take a delight in inflicting harm or injury or death on other

[Diwan Bahadur T. Rangachariar.]

human beings. I believe when these people enter upon their duty they enter upon it not with delight but with reluctance. Now, as I have stated already, often times on account of the habits of the people, on account of the ignorance of language, or rather misconstruction of words used, the attitude of crowds is often assumed to be hostile, when really the crowd is going to petition. I have heard it stated during the Punjab troubles that when the crowd walked barefooted in order to petition the authorities, it was mistaken for a hostile attitude and force was resorted to. Speaking of my own experience in my own province, there have been cases where force by the use of fire-arms has been resorted to unnecessarily, and if a person with more nerve had been in charge, fire-arms would not have been used. I remember a case in Madras city, where my conviction and the conviction of reasonable persons was that firearms had been freely used without any necessity. In this country it is so easy to quell disturbances. Crowds are easy to manage, I should think, though I have never tried it myself, but knowing my people as I do for the last fifty years, they are unaccustomed to the use of arms. That is one of the complaints which we have against the British Government, the reckless way in which they administer the law as to arms, and also the way in which the little military instinct which we have in the south has been killed by the deliberate policy pursued of enlisting for the military foreigners and people from the Punjab and even from across the frontier as if they are the friends. The little military instinct which we had has been killed and crowds are not so dangerous as often times people represent them to be. I know of cases where a police constable with a baton has been able to keep at bay large numbers of people. After all what are they armed with? Brickbats and *lathis*. Do you think any London policeman would resort to the use of fire-arms in the way in which policemen in this country do? I do not want to exclude my countrymen in this respect; I attribute that conduct more to the want of nerve only than any deliberate intention to kill. They get panic-stricken by seeing a crowd. We know the effect the possession of fire-arms has on a house-holder when a thief or an imaginary thief enters his house. Having fire-arms his incentive is to use them. Being possessed of these deadly weapons, these people in authority are tempted to use them unnecessarily. No doubt they sometimes get excited and use fire-arms unnecessarily. Therefore, unless there are safeguards in the law there is a danger and risk of these arms being used upon innocent people, or of unnecessary violence being used where less force would have been quite ample. Now it is unnecessary for us to recapitulate instances, and I do not want to recall memories which I should like to bury in the dead past. The Government themselves have recognised that they should issue executive orders on the lines I have indicated in my Bill. They may plead in opposition to my Bill that they have already issued executive orders to that effect to their officers, and therefore why should there be a provision in the law? but a provision in the law is one thing, executive orders is another. Where you have a foreign Government they naturally think (I do not blame them, it is human bias, it is human nature) that these executive officers, if they exceed the provisions of the law, are thereby doing their best to help the Executive Government, and maintain their authority and therefore they look at these excesses with a fond eye, and are willing to excuse where rigorous politicians like myself would not be inclined to excuse. That is the tendency of a foreign Government. They do not know the people; the people distrust them; they distrust the people; and therefore there is a natural tendency to support the

executive even when they abuse or misuse the power which is given to them, and in such cases the one provision of the Criminal Procedure Code which stands against getting an adequate remedy is this provision preventing prosecutions altogether, even when we know that officers have deliberately exceeded their powers. The necessity for obtaining sanction from the Local Government or from the Governor General, as the case may be, before the injured party can institute proceedings so as to make the person answerable in a Court of law stands as a great deterrent, and in fact my own view is that probably it encourages excesses at the hands of the executive officers. They feel they are safe, otherwise I could not understand how certain people acted in certain circumstances, in the way they did, but for the assurance they had that they could not be touched by the arm of the law so long as they had got their Government to support them. There have been cases where, even on the Government's own admission, officers have abused the powers entrusted to them by law. Is there one case in which the Government took the initiative to prosecute those officers? It is said, oh! if applications are made to the Government, they will not withhold sanction. Sir, I know the Executive Government and how difficult it is to move it in matters of this sort. As I said, there is a natural inclination to take a soft view of things, whereas the injured party would not be inclined to do so, and the Courts would rigorously apply the law. After all, what is it we ask? I ask in my Bill that where officers misuse or abuse the law, the injured party,—I do not say the whole public as in England,—the injured party should be free to go to the Court, and I confine it to cases only where fire-arms are used. That is the principle for which I would stand, and unless you give it to the people, no matter what other direction you give, leaving them to the mercy of getting sanction or not from the Executive Government before they can take action, I think it is dangerous to allow this state of things to continue. I therefore ask that the injured party or persons or their representative should be given the liberty to go before the Court without any fetter of sanction. In England the injured party, in fact the public, are free to go in a matter of that sort to the Courts against the officers who have exceeded their powers. I have stated already that they are sufficiently protected by the substantive law, this special law need not protect them further. That is my point. And again I have been very careful in the wording I have given to the various clauses in my Bill. I say: "Fire-arms should be used only if such assembly cannot otherwise be dispersed, and no fire-arms should as a rule be used except on the written authority of a Magistrate of the highest class available on the spot." I have heard of a case where the Prime Minister's house in England (I believe it was the Prime Minister's house) was invaded by a crowd that wanted to gain access to him. The attitude of the crowd was threatening and the police played the waterhose on them: they discharged water and dispersed the assembly. But here—(*Sir P. Sivaswamy Aiyer*: "There are no hoses.") There are no hoses available, sometimes no water. But what is it you hear in the official accounts? The attitude of the crowd looked ugly, a policeman's turban was pulled off, or brickbats were thrown. On these slight provocations fire-arms are resorted to. That was the case in the Chulai riots; that was the case in the Madura riots of which my friend Mr. Rama Aiyangar has knowledge. But I do deprecate the resort to the use of fire-arms when you have got drilled policemen. Twenty drilled policemen can in concert face an undisciplined crowd, a mob which is generally composed of cowardly people, and to resort to fire-arms in such a case, unless absolutely necessary, is a pity. They say, unless you nip it in the bud, the thing is likely to spread. I do not think the risk is so



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great that you should unnecessarily resort to these deadly weapons of precision. That is why I say unless it cannot be otherwise dispersed, no fire-arms should be used except on the written authority of a Magistrate of the highest class. In fact I have in some of my clauses followed existing sections ; for instance, that military force cannot be resorted to except on the conditions I have indicated. I have taken care to embody in some of my clauses the language of the existing sections in the Code itself. Then I also make a proviso that :

“ When immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, the seniormost Police or Military officer present on the spot may give the written authority instead and the same shall be communicated to the nearest Magistrate forthwith.”

And in clause (2) I say :

“ Before the assembly is fired upon the fullest warning should be given by all available means to the assembly that, unless it disperses within a given time, it will be fired on.”

And in clause (3) :

“ The person given the authority to fire shall ordinarily give such interval between the warning and firing as he considers sufficient in all the circumstances of the case.”

I leave the discretion to him ; I know the difficulty of making up your mind on the spot, but still I make the person giving the authority the judge. Then I ask for a full report. I insist upon this as rather important because oftentimes you get inaccurate reports in the Press and in the public platform about occurrences, and official versions often have additions or accretions as time goes on, so that in cases of this sort where severe measures are adopted the law should provide a safeguard that there should be an immediate report made on the spot when the facts are fresh. I cast that obligation on the officer who resorts to it. The last clause is the most important, namely, giving the right to “ any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms ” to make “ a complaint against any person for any offence committed by him by reason of any act purporting to be done under this Chapter.” As I stated before, my object is to improve the law, to impose restrictions, necessary restrictions, reasonable restrictions and that people who have to perform this unpleasant task should know and feel that they are entering upon a serious task. If there are provisions of law they will be guided by them and will think twice and thrice before they resort to the use of fire-arms. While I do not restrain the use of fire-arms, I impose reasonable restrictions and limitations as to when they should be used. There may be many improvements which may be suggested in the course of discussion in the Select Committee. The principle that the law should be improved has been accepted by Government already, because they themselves introduced a Bill but later on withdrew it. The only question is to what extent we should improve it. That question can be safely left to the Select Committee. There is no object in the Government flying away from the question. The question has got to be faced. There is a lot of public feeling in the matter and the law must be improved. I therefore ask the House to accept my motion.

**The Honourable Sir Alexander Muddiman** (Home Member) : Sir, the object of my Honourable friend's Bill, as stated in the Statement

of Objects and Reasons, is to guard against the indiscriminate use of fire-arms for the purpose of dispersing an unlawful assembly, and all reasonable men must be in agreement with that. The subject is one, as my Honourable friend has said in his opening speech, of the greatest importance. It is of the greatest importance to the citizen that fire-arms should be used in dealing with mobs with the greatest care and discrimination, but it is equally of great importance that when force has to be resorted to, it should be resorted to in a manner that will curb the disturbance of the peace in an effective manner. On that subject my Honourable friend and I are in entire agreement. My Honourable friend has mentioned that there are executive instructions which correspond very closely to the provisions of this Bill, but he wants them to be given statutory effect. I would point out, Sir, that statutory effect is a very different thing from executive instructions as he himself has recognised, and we must be careful lest in our desire to protect the rioter from a misuse of force we should forget the claims of the general public to be protected from those gusts of passion which shake this country from time to time. One recent instance has attracted the notice of my Honourable friend, because quite recently I heard him put questions on the matter. I am glad that the mover referred to the extremely unpleasant duty that falls to the lot of an officer who has to suppress mob violence by ordering firing. I can imagine no more difficult position for a humane man than to have to judge between the danger of allowing the peace of a whole town to be wrecked and deciding to take action which must result in the loss of another fellow-creature's life. It is one of the most painful positions to my mind in which any man can be placed, and he has to exercise his discretion on the spur of the moment—that is a point of great importance—he has to exercise it under conditions which are in themselves of a very trying nature. I do not know whether my Honourable friend has ever been a rioter or ever seen a riot. I presume that he has never been a rioter, but has he ever seen a riot? I have seen a riot. I am not talking of India, but I may tell him I have seen a riot in one of the big continental cities, and it is one of the most appalling things to see and makes one feel how close to the surface the beast in man is on occasions. The roar of the crowd has ever since remained in my memory. When passions are roused to a degree of blood heat the officer responsible for the life and property of those under his charge has to take a responsibility which I believe to be one of the greatest that can be given to any human being. To meet a man in battle is one thing. You know what you are about. But to deal with a mob is a thing that demands not only courage, but cool-headedness and quick decision. It is not merely that the decision must be made—It must be made at the right time. Before I pass on to the Bill itself I ought to have mentioned one thing which is not quite accurate in my Honourable friend's speech. Sir William Vincent never actually moved a Bill here. He did not move any Bill here and it was therefore not withdrawn.

**Diwan Bahadur T. Rangachariar :** He moved it in the Council of State and got it passed.

**The Honourable Sir Alexander Muddiman :** Not in this House.

**Diwan Bahadur T. Rangachariar :** Then it was placed on the table of this House as passed in the Council of State.

**The Honourable Sir Alexander Muddiman :** He never moved it in the Assembly, and the motion was not withdrawn.

My Honourable friend said a great deal about the peaceful crowds of India and that it is very easy to restrain crowds in India. I agree that this is so up to a certain point, and that unless inflamed by religious passion or some powerful motive the ordinary behaviour of an Indian crowd, I agree on the whole, is peaceful. But let me tell my Honourable friend who has never seen a riot that when it is inflamed by those passions there is no question of peaceful behaviour, and the mob shows its terrible nature as many of the occurrences in India indicate only too truly. It may be said, and no doubt will be said, that men may lose their heads in dealing with these occurrences. In what country do men not lose their heads ? When you have officials like gods who can face these cataclysmic outbreaks with a precision and firmness that can hardly be demanded of humanity, then you will be able to dispense with any law in the matter of dealing with a mob. It is perfectly true that there have been and will be in the future, whatever your rules may be, occasions when officers lose their heads—that is undeniable, but the exception does not prove the rule. My contention is that, speaking generally, the thanks of this House are due to those who carry out duties of a very unpleasant character with a single eye to the dictates of their duty. I am glad that my Honourable friend recognises that these duties are now often mainly carried out by Indian officers and I should like in this connection to pay a tribute to many Indian officers who in circumstances of great difficulty have shown great discretion and great courage.

Sir, I will now turn to the provisions of the Honourable Member's Bill. I would first point out that it relates solely to the use of "fire-arms". In this connection I will suggest to the House that in dealing with this question of the use of force to suppress disorder, it is undesirable to discriminate between the use of fire-arms and forms of force.

My Honourable friend's clause makes a point of the distinction in a way that he could hardly have wished if he had considered the matter more fully. He says :

"Fire-arms should be used only if such assembly cannot otherwise be dispersed."

Now, Sir, the first question I would put to this House is who is to be the judge of whether the assembly cannot otherwise be dispersed. Is that to be a matter for judicial finding, subsequent to the use of fire-arms ? That is one point. Then I do not wish to make merely dialectical points but this procedure would require of an officer in charge of a squadron of cavalry armed with lances and carbines to direct a charge on the mob before he directed firing. Now, I cannot believe myself, (I am not a soldier and I am speaking subject to correction), that a charge by lancers is a more humane method of dispersing the mob than carbine fire. The same argument applies to the case of infantry armed with bayonets. Under the proposed provision, the duty of the officer commanding would be first of all to see if a bayonet charge would disperse the assembly. The inevitable result of that will be, whether the charge was successful or not, that the mob would be brought to a state of great violence. If the charge failed, the infantry would probably be torn to pieces. If it did not, the number of injured would be far more serious and the passions of the mob greatly inflamed. That will be the effect of my Honourable friend's

provision. The next point in the clause which I have to refer to is that it says there must be a written order. Now, what is the object of this written order. Has there usually been any question as to whether the order to fire was given or not? That was not the question. The general question is whether the order was given too soon or too late. Take the case of a person in charge of the police facing rioters. As is often the case, there is a Hindu mob on one side and a Muhammadan mob on the other and there is a thin line of policemen between. The mobs on both sides are threatening. Brickbats are thrown. Perhaps a shot is fired from a house. At any moment the two mobs may be at one another and the police would then be torn to pieces. The order to fire must be given in writing. Would you take a pencil and paper at such a time and write down the order. Does my Honourable friend require the words "Fire, Sd. A. P. M." to be written down? Or does he want an officer to write "Whereas I, John Jones, Sub-Divisional Magistrate of the first class, have come to the conclusion that the moment has arrived to fire" etc., etc., I admit there are some cases where it is quite possible to give the written order but these are not the ordinary cases. They are the exception rather than the rule. Now, Mr. Bray was telling the Assembly the other day about the Kohat riots. Does any one suppose that any useful purpose in a case like that would be served by requiring a written order? This clause further requires the Magistrate of the highest class to make the order. It is quite reasonable that a Magistrate should give the order wherever possible, but if you have a provision of this kind in the law, and it is not complied with it becomes an invalidity. Take the case when there in an Honorary third class Magistrate. There is a communal riot going on. These things often happen and there is no use in hiding facts. The Magistrate will not take the responsibility. The policeman has got to act. If he acts with this clause before his eyes he has to break the law because there is no order and if he does not act, he will be broken for not stopping the riot. He is between the devil and the deep sea. I do not think my Honourable friend really wants to bring about such a state of things. Then again I have heard it said, though my Honourable friend did not say this for he is far too good a lawyer to use an argument of this kind,—I have heard it said—that a written order and reading of the Riot Act is required by English law before force can be used to disperse a mob. Now, that is not so. I will just explain what the English law on the point is. It is this. There is no restriction on the use of force against a mob imposed by the Riot Act. The discretion of the officer is absolute. If you have the Riot Act read, as it is called, though it is an improper way of putting it, then any one who remains in an assembly thereby called upon to disperse for one hour after the reading of that Act is guilty of a felony and that is the only advantage you get by reading the Riot Act. I apologise to my Honourable friend for using an argument on a point which he did not raise but I thought I had better clear it. So much for clause 1.

Now I come to clause (2). It reads :

"Before the assembly is fired upon the fullest warning should be given by all available means to the assembly that unless it disperses within a given time, it will be fired on."

That again is an excellent executive instruction. Our executive instructions require, as my Honourable friend recognises, that warning should be given before firing. When you lay it down as a condition in a law that you

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must give full warning, then the position becomes more difficult. Who is to decide what is a given time ? Who is to decide that time ? Is it the Magistrate or the mob ? I assure you it is the mob who often decide what is the given time. I have seen with my own eyes a worthy Hindu Deputy Magistrate running for his life and the mob were then deciding the given time.

**Diwan Bahadur T. Rangachariar :** Then do not appoint a Hindu as a Magistrate.

**The Honourable Sir Alexander Muddiman :** I am sorry. I cannot say whether he was a Hindu or a Muhammadan. I ought to have said an Indian. Now, I quite agree with my Honourable friend that warning is most desirable and an interval should be given if possible, but you cannot lay it down as a hard and fast provision of the law. If you do, you get into a position which it is perfectly impossible to accept. I am not speaking now from the point of view of Government. I am speaking from the point of view of the ordinary citizen. It is generally the ordinary citizen that suffers in the end. It is his house that is burnt, it is his banker's books that are stolen and it is his grain that is looted.

Now the next clause reads :

“The person given the authority to fire shall ordinarily give such interval between the warning and firing as he considers sufficient in all the circumstances of the case.”

There again we have the same difficulty. The officer may consider the time sufficient but the mob may not.

**Diwan Bahadur T. Rangachariar :** I am not concerned with the mob.

**The Honourable Sir Alexander Muddiman :** Unfortunately the officer placed in that position is. I agree that warning should be given wherever possible, but you cannot make it a rule. There may be cases of deliberate defiance of the law where you know that you can tell the mob if they do not disperse within one hour, something will happen. Warning may be possible in such cases. But this is one case out of 100. In the other 99 cases the situation arises suddenly and it would not be possible to give an interval between the warning and the firing. They have to be suppressed in a hurry and there is no time for warning. And mind you one other thing. If you warn the mob in time and wait and the mob gather and attack you, what happens ? Your policemen are torn to pieces. It is not a case of pulling off their *pagris* but of pulling of their heads.

As regards clause 4, I see no objection to it. I have not examined the drafting of it, but it requires that :

“A full report of the occurrence shall be made in all cases when such assembly is dispersed by the use of fire-arms to the nearest first-class Magistrate within twenty-four hours of the occurrence, and such report shall be a public document.”

Now, I can see no objection to the general principle. But may I tell you one thing and that is a remark based on experience. My Honourable friend has said, and he has said rightly, that very often the first reports that are given out contain inaccuracies. That is perfectly true and I will tell you why. Those first reports are written when the rioting is still going on and the full facts are not known to the authorities. Take

a recent case. We had a riot in Delhi. I think it went on for two or three days. I was pressed considerably to publish at once a statement of what I had received. I declined to do so, because I was perfectly well aware that it was only a partial report, and that was borne out when we received the full report, when it turned out that rioting had not been confined to one quarter but had spread to other quarters. We must always bear in mind that inaccuracies in the early reports are not necessarily a sign of a desire for concealment. They occur very often because the early reports are sent in when the rioting is still going on, and therefore in some ways a premature report is misleading and even dangerous.

The next point raised by my Honourable friend is clause 5, which runs :

“ If the person is himself a first-class Magistrate his report shall be made to the District Magistrate, and, if the person is a District Magistrate, his report shall be made to the Local Government.”

Well, that follows on the other and I have no comments to make, although it may require a little examination as to the form in which it has been cast ; but to the general principle embodied in the clause under consideration I see no objection.

Now the last clause is one which my Honourable friend emphasised, I think, because he felt he had the English law behind him. What he emphasised and pressed was this question of the right to bring a complaint. I do not think I need read out the law as so many in the Assembly are lawyers, but as Honourable Members know, under the law it is provided by section 132 that prosecutions in these cases require sanction ; in the one case they require the sanction of the Local Government, in the other of the Governor General in Council. Well, my Honourable friend pointed out, and rightly, that there is no such provision in the English law : that is, the sanction of the Government is not required by that law. He proposes that—

“ Any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms may make a complaint against any person for any offence committed by him by reason of any act purporting to be done under this Chapter.”

Now, the only change in the law is that it dispenses with the sanction of the Governor General or the Local Government, as the case may be. In this connection I should like to read to the House a short extract from Dicey's Rule of Law, where he makes what I think is quite a good point. He is quoting from a French writer, a jurist of standing. He says :

“ Under every legal system the right to proceed against a servant of Government for wrongs done to individuals in his official capacity exists in some form or other. The right corresponds to the instinctive impulse of the legal victim to seek compensation from the immediately visible wrong-doer. But on this point the laws of different countries have utterly different tendencies. There are countries such, for example, as England and the United States, where every effort is made to shelter the liability of the State behind the personal responsibility of its officers. There are other countries where every effort is made to cover the responsibility of servants of the State behind the liability of the State itself to protect him against and to save him from the painful consequences of faults committed in the service of the State.”

Those are entirely different points of view. The English law abandons its agents to the mercy of the law Courts. The French law takes the liability upon itself and protects its servants. Now, it is not for me to attempt to tell this House what the right line is in India. We who speak on this side are often told that we know nothing about the

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customs of the people and the habits of the country. But I will say this. I have lived 25 years in this country and I have been brought into touch with a great many people in this country, and it appears to me that you cannot draw a just parallel between the position in regard to suits against officers charged with the administration of these provisions in England and in India. Sir, the last big case of firing in England on a mob, and it was a leading case and is still the *locus classicus*, was the Acton colliery case in 1893. I think I need hardly develop the point that the use of fire-arms in India is far more frequent than it is in England. You have to go back some 50 years for a big case of this kind over there; while here you have only got to turn over the pages of the papers for the last few months to see the difference in that respect. But you may say, where does that lead you? It may simply lead you to this, that more care is used in England in these matters and the mere fact that this provision exists which enables a suit to be brought without sanction is itself a thing that prevents these occurrences. Sir, that can hardly be supported. I think my Honourable friend would not argue that. (*Diwan Bahadur T. Rangachariar* : "I would".) Well, I think my Honourable friend would be carrying it very far if he did; and since he is going to argue that I will develop my point a little further. It is this, that the need for the use of fire-arms is far more frequent in this country. It is due—I do not wish to go into details—but it is due very largely to communal differences, to racial differences and to religious differences. (*Diwan Bahadur T. Rangachariar* : "And the nervousness of the police".) Well Sir, I have followed the history of the Indian police, and I think that whatever faults they have, they are not nervous. They have many faults; officers in charge of them occasionally lose their heads; I admitted that from the beginning; but the nervous police constable I have yet to meet as a common object.

Well, to return to the last clause, the right of complaint, which was pressed by my Honourable friend. I am not going to take the usual line taken on these occasions and say, "well the Government would never refuse sanction in a good case". Sir, I have found it useless to protest in this House that Government would not refuse sanction. I do not think it would but the House will not be convinced by that. That argument I am going to use is this. The nervous policeman will arise the day he finds that he is liable to a suit if he fires. That is when you will have your nervous policeman. The fear of suit may very well not deter a man from doing what he ought not to do; but it may deter him from doing what he ought to do in the interests of the remainder of the population. And that, Sir, is certainly a thing to be greatly feared and I honestly believe it is to be feared. Did I use the word: "suit"? It was of course a slip. I meant "criminal prosecution". Of course the principle of sanction to the prosecution of public servants is already well recognized in the Indian law in many cases, though it is not recognized I believe in the English law. My Honourable friend tells me that in certain cases sanction is necessary in England. That may be so, but here at any rate it is a well-known principle and is recognized in Indian law.

There is one other thing before I close, I think I have dealt with the main points in my Honourable friend's Bill, but he used words that I think I cannot pass over without comment. He referred to the distrust

of the people in the officers of Government. Now, Sir, if there is one occasion when the people do trust officers of Government, it is on the occasion of riots. That, Sir, is not a suggestion; it is a fact. I may tell him that during the Delhi riots and the Agra riots, the people showed the greatest thankfulness to those British troops who were brought down to hold the streets during the riots. They brought them tea, milk and other refreshments and there was certainly no question of distrust. I am afraid, Sir, it is in the normal peaceful days that distrust is felt: the distrust is much less on these occasions than in the normal peaceful days, when, perhaps, their services are not quite so fully appreciated. I hope I have not made my Honourable friend feel that I am in any way opposed to what he has at heart as much as I have. I have endeavoured to point out briefly the practical difficulties which attend the provisions of his Bill :

**Mr. President :** The question is :

“ That the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given, be referred to a Select Committee consisting of the Honourable the Home Member, Mr. M. A. Jinnah, Dr. H. S. Gour, Sardar Gulab Singh, Mr. B. Venkatapatiraju, Raja Ghazanfar Ali Khan, Mr. H. Tonkinson, Mr. T. C. Goswami, Mr. B. C. Pal, Pandit Madan Mohan Malaviya, Mr. W. S. J. Willson, Colonel J. D. Crawford and Diwan Bahadur T. Rangachariar, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven.”

The Assembly divided:

AYES—58.

Abdul Karim, Khwaja.  
Abhyankar, Mr. M. V.  
Aiyangar, Mr. C. Duraiswami.  
Aiyangar, Mr. K. Rama.  
Aiyer, Sir P. S. Sivaswamy.  
Alimuzzaman Chowdhry, Mr.  
Aney, Mr. M. S.  
Badi-uz-Zaman, Maulvi.  
Chaman Lall, Mr.  
Chanda, Mr. Kamini Kumar.  
Das, Mr. Bhubanananda.  
Das, Mr. Nilakantha.  
Duni Chand, Lala.  
Dutt, Mr. Amar Nath.  
Ghazanfar Ali Khan, Raja.  
Ghulam Bari, Khan Bahadur.  
Goswami, Mr. T. C.  
Gour, Dr. H. S.  
Gulab Singh, Sardar.  
Hans Raj, Lala.  
Hyder, Dr. L. K.  
Iyengar, Mr. A. Rangaswami.  
Jeelani, Haji S. A. K.  
Jinnah, Mr. M. A.  
Joshi, Mr. N. M.  
Kasturbhai Lalbhai, Mr.  
Lohokare, Mr. K. G.  
Mahmood Schamnad Sahib Bahadur,  
Mr.  
Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.  
Misra, Pandit Shambhu Dayal.  
Misra, Pandit Harkaran Nath.  
Murtuza Sahib Bahadur, Maulvi Sayad.  
Mutalik, Sardar V. N.  
Nambiyar, Mr. K. K.  
Narain Dass, Mr.  
Nehru, Dr. Kishenlal.  
Nehru, Pandit Motilal.  
Nehru, Pandit Shamlal.  
Neogy, Mr. K. C.  
Patel, Mr. V. J.  
Purshotamdas Thakurdas, Sir.  
Ramachandra Rao, Diwan Bahadur M.  
Rajan Bakhsh Shah, Khan Bahadur  
Makhdum Syed.  
Rangachariar, Diwan Bahadur T.  
Ranga Iyer, Mr. C. S.  
Ray, Mr. Kumar Sankar.  
Samiullah Khan, Mr. M.  
Sarda, Rai Sahib M. Harbilas.  
Sarfaraz Hussain Khan, Khan Bahadur.  
Shafee, Maulvi Mohammad.  
Shams-uz-Zoha, Khan Bahadur M.  
Singh, Mr. Gaya Prasad.  
Sinha, Mr. Ambika Prasad.  
Sinha, Kumar Ganganand.  
Tok Kyi, Maung.  
Venkatapatiraju, Mr. B.  
Yusuf Imam, Mr. M.

NOES—38.

Abdul Qaiyum, Nawab Sir Sahibzada.  
Ahmad Ali Khan, Mr.  
Ajab Khan, Captain.  
Akram Hussain, Prince A. M. M.  
Bhore, Mr. J. W.

Blackett, The Honourable Sir Basil.  
Burdon, Mr. E.  
Calvert, Mr. H.  
Chalmers, Mr. T. A.  
Chatterjee, The Honourable Mr. A. C.



Coeke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Duval, Mr. H. P.  
 Fleming, Mr. E. G.  
 Hezlett, Mr. J.  
 Hindley, Mr. C. D. M.  
 Hira Singh, Sardar Bahadur Captain.  
 Holme, Mr. H. E.  
 Hudson, Mr. W. F.  
 Hussanally, Khan Bahadur W. M.  
 Innes, The Honourable Sir Charles.  
 Lindsay, Mr. Darcy.  
 Lloyd, Mr. A. H.  
 Monerieff Smith, Sir Henry.  
 Muddiman, The Honourable Sir  
 Alexander.

Muhammad Ismail, Khan Bahadur  
 Saiyid.  
 Nag, Mr. G. C.  
 Parsons, Mr. A. A. L.  
 Rushbrook-Williams, Prof. L. F.  
 Sams, Mr. H. A.  
 Sastri, Diwan Bahadur C. V. Visva-  
 natha.  
 Singh, Rai Bahadur S. N.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Tottenham, Mr. G. R. F.  
 Webb, Mr. M.  
 Willson, Mr. W. S. J.  
 Wilson, Mr. R. A.

The motion was adopted.

### THE INDIAN REGISTRATION (AMENDMENT) BILL.

**Mr. K. Rama Aiyangar :** (Madras and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the Bill further to amend the Indian Registration Act, 1908, be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. K. C. Neogy, Mr. T. C. Goswami, Sir Henry Monerieff Smith, Dr. H. S. Gour, Pandit Madan Mohan Malaviya, Mr. M. A. Jinnah, Diwan Bahadur T. Rangacharir, Diwan Bahadur M. Ramachandra Rao, (with your permission, Sir), Mr. C. Duraiswami Aiyangar and myself, and that the number whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

This is a small matter, Sir. The only question is that when presentation is made by a person other than an authorised agent even when the executant is present and accepts the registration, because of the existing state of the law, it has to be held that the registration is invalid. Their Lordships of the Privy Council have once also regretted that it was so. However, sections 32 and 33 are such that in the present state of the law, even though it is presented by a person on behalf of the executant and the executant is present there and completes the registration, it is held invalid. It is only to remedy that defect, I introduced the Bill and the Select Committee will consider the wording and put it properly in its place. I beg to move that the Bill be referred to the Select Committee.

**Mr. H. Tonkinson** (Home Department : Nonnominated official) : Sir, when my Honourable friend moved for leave to introduce this Bill on the 21st of February, it was pointed out in this House that the difficulties mentioned in the first judgment of the Privy Council, which is cited in the Statement of Objects and Reasons, had been fully met by the Bill introduced by the Honourable Pandit Madan Mohan Malaviya and finally passed into law in 1917. I am surprised, Sir, that once again my Honourable friend has not referred to that amendment of the law. It was further pointed out, Sir, on that occasion that the second ruling which is referred to by the Honourable Member had nothing to do with the Bill before the House. I am surprised that he again states that on one occasion their Lordships of the Judicial Committee have regretted that this provision of the law existed. We have now been informed, Sir, by the Honourable Member, not in this House but separately, that the reference in the Statement of Objects and Reasons to the Patna case should have been a reference

to a case reported in 49 Indian Appeals at page 395. I should like, Sir, now to refer to some facts in regard to these two cases in particular. First I take the case of Jambu Prasad vs. Mahummad Aftab Ali Khan. Sir, when that case was before the Allahabad High Court, my Honourable friend Pandit Motilal Nehru was one of the leading counsel engaged. The case dealt with three mortgage deeds executed between 1886 to 1892. The Allahabad High Court gave a decree for the claim based upon the one deed, but they held that the other deeds had not been validly registered. It was argued before them by the Honourable Pandit that the executants being present when the document was registered, the document was validly registered ; but the Court held, on the other hand, that this was not proved, but all that was proved was that they had attended on the same day. That case, Sir, went up to the Privy Council. I would observe that before the Privy Council, Sir George Lowndes appeared for the respondent. That is a point, Sir, of some importance, because Sir George Lowndes in another capacity took a leading part in the decision as to the form which the amendment of the law should take in 1917. Before the Privy Council a claim was made that the mortgagees themselves would have been entitled to present for registration and their presence would have removed any defect, that is to say, a claim was made on the lines of the present Bill. This claim, however, was dismissed by the Privy Council, because they held that the mortgagors attended to assent to registration and this was not sufficient to give the registrar jurisdiction. The Judicial Committee, therefore, upheld the Allahabad decision, and it is not therefore quite correct to suggest as in the Statement of Objects and Reasons, that Their Lordships were the first to place this alleged highly technical construction on the law. Indeed, in their order in that case the Privy Council refer to another Allahabad decision of 1906 where it had been held that the sub-registrar's jurisdiction only comes into force if and when a document is presented to him in accordance with the law. Now, Sir, under the provisions of section 32 it is required that the person presenting a document for registration shall be either the person executing or claiming under the same, the representative or assign of such person or the agent of such person, representative or assign duly authorised by a power of attorney executed or authenticated in the manner provided in the next section.

(At this stage Mr. President vacated the Chair which was taken by the Deputy President.)

The Privy Council in the case in question held that one object of these provisions was to make it difficult for persons to commit frauds by means of registration and it was the duty of the Court not to allow the imperative provisions of the Act to be defeated. It was in consequence of that decision that my Honourable friend Pandit Madan Mohan Malaviya brought forward a Bill in the Imperial Legislative Council, as a result of which section 23A was inserted in the Registration Act. This section, Sir, permits persons claiming under a document which has been accepted for registration from a person not duly empowered to present the same to be registered within four months from the person who claims first having become aware that the registration of the document was invalid. There may be cases, Sir, in which through want of care or stupidity or otherwise of the registering officers documents which ought not to be registered are registered and ignorant people who rely upon the registering officers following the law may thus find themselves in a difficult position. But this section gives

[Mr. H. Tonkinson.]

them full relief and the Honourable Member has not indicated any manner in which its provisions are defective. I understand it was generally agreed in 1917 that it was a satisfactory solution, and the Bill was then unanimously passed.

Let us turn now to the other case referred to in the Statement of Objects and Reasons, in which, according to my Honourable friend, the Judicial Committee of the Privy Council has suggested that the law required amendment. That, Sir, was a Burma case, the case of *Ma Shwe Mya versus Maung Po Hnaung*. The respondent in that case had obtained a decree against the appellant. Whilst an appeal to the Privy Council against that decree was pending the respondent applied for leave to execute. He was given leave provided he gave security. A bond Form 3 in Appendix G to the Code of Civil Procedure mortgaging certain oil wells was executed before the Additional District Judge and was presented for registration by the head clerk of the Court of Additional District Judge. The appeal in the first case was upheld and so the bond became operative. The question was whether it was properly registered. It was not presented by any person claiming or executing. The District Judge was not present at the time of presentation. The Judicial Commissioner of Upper Burma held that the head clerk was his representative. The Judicial Committee in their decision announced by Viscount Cave held that representative was a term of ambiguous meaning which must be construed according to its context and in section 32 their Lordships were satisfied that "representative" meant the legal personal representative or the guardian or committee and did not include a clerk or an agent. Their Lordships held, therefore, that the registration of the security bond was invalid. In connection with the present Bill, however, it is important to notice that their Lordships of the Judicial Committee indicated that the provisions of section 23A provided an adequate remedy.

Now, Sir, with reference to the remarks as to the amendment of the law being required. These remarks were made by Their Lordships in this case; but it was in regard to an entirely different matter which is not affected at all by the present Bill. Their Lordships did remark that the case disclosed a probably inadvertent omission in the law which could only be cured by legislation. Under section 88 of the Registration Act, certain officers of the Crown are not required to attend a registration office in proceedings in connection with the registration of a document executed in their official capacity or to sign endorsements, etc. The registering officer is empowered to refer to them for information and if he is satisfied as to the execution of the document he registers it. The omission in the law referred to by the Judicial Committee is as regards the want of a similar provision to that relating to officials who execute for officials who may claim a document. That is, there might have been a provision which would not have required the District Judge himself to present the security bond in this particular case. But, Sir, that has nothing whatever to do with the Bill in regard to which my Honourable friend has moved the present motion. I submit further that not only is the present Bill unnecessary but possibly it may be dangerous. Since we have had any Registration law in India, ever since 1867, I think the year was, we have had these provisions in this form. These provisions are the provisions against fraud. I submit, further, that if we take the case which is intended to be covered by the proposed *Explanation* to section 32, when the

person presenting is accompanied by the executors, all that is required under the present law is for the person who has the document and who is not under this proposal a person duly authorised by power of attorney, etc., but another person, to hand over the document to the persons who did actually execute. There is no defect in the present law and the Bill is absolutely unnecessary. I submit, Sir, that it is, therefore, most undesirable to make such an amendment of the law. If I do not consider that this House would accept the view that the Bill is unnecessary and should be opposed, I should have moved an amendment for circulation on the grounds already stated to-day in connection with the Bill of which you, Sir, were the sponsor. Sir, I oppose the motion.

**Dr. H. S. Gour :** I move that the question may now be put.

**Mr. K. Rama Aiyangar :** I want to say only one word, Sir. Under the imperative provisions of the section their Lordships said that they had to hold that even if the presentation was made by the executant, they could not register. I maintain, therefore, that it is a case where relief is needed.

**Mr. Deputy President :** The question is :

“ That the Bill further to amend the Indian Registration Act, 1908, be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. K. C. Neogy, Mr. T. C. Goswami, Sir Henry Moncrieff Smith, Dr. H. S. Gour, Pandit Madan Mohan Malaviya, Mr. M. A. Jinnah, Diwan Bahadur T. Rangachariar, Diwan Bahadur M. Ramachandra Rao, Mr. C. Duraiswami Aiyangar and Mr. K. Rama Aiyangar, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The Assembly divided :

AYES—42.

Abdul Karim, Khwaja.  
Abhyankar, Mr. M. V.  
Aiyangar, Mr. C. Duraiswami.  
Aiyangar, Mr. K. Rama.  
Aiyer, Sir P. S. Sivaswamy.  
Aney, Mr. M. S.  
Badi-uz-Zaman, Maulvi.  
Chaman Lall, Mr.  
Das, Mr. Bhubanananda.  
Das, Mr. Nilakantha.  
Duni Chand, Lala.  
Goswami, Mr. T. C.  
Gour, Dr. H. S.  
Gulab Singh, Sardar.  
Hans Raj, Lala.  
Iyengar, Mr. A. Rangaswami.  
Jeelani, Haji S. A. K.  
Joshi, Mr. N. M.  
Kartar Singh, Sardar.  
Kasturbhai Lalbhai, Mr.  
Lohokare, Mr. K. G.

Misra, Pandit Shambhu Dayal.  
Misra, Pandit Harkaran Nath.  
Murtaza-Sahib Bhadur, Maulvi Sayad.  
Mutalik, Sardar V. N.  
Narain Das, Mr.  
Nehru, Dr. Kishenlal.  
Neogy, Mr. K. C.  
Patel, Mr. V. J.  
Purshotamdas Thakurdas, Sir.  
Ramachandra Rao, Diwan Bahadur M.  
Ranga Iyer, Mr. C. S.  
Ray, Mr. Kumar Sankar.  
Samiullah Khan, Mr. M.  
Sardar, Rai Sahib M. Harbilas.  
Shafee, Maulvi Mohammad.  
Singh, Mr. Gaya Prasad.  
Sinha, Mr. Ambika Prasad.  
Sinha, Kumar Ganganand.  
Tok Kyi, Maung.  
Venkatapatiraju, Mr. B.  
Yusuf Imam, Mr. M.

NOES—38.

Abdul Qaiyum, Nawab Sir Sahibzada.  
Ahmed, Mr. K.  
Ajab Khan, Captain.  
Bhore, Mr. J. W.  
Blackett, The Honourable Sir Basil.  
Burdon, Mr. E.  
Calvert, Mr. H.  
Chalmers, Mr. T. A.  
Chatterjee, The Honourable Mr. A. C.  
Crawford, Colonel J. D.

Duval, Mr. H. P.  
Fleming, Mr. E. G.  
Hezlett, Mr. J.  
Hindley, Mr. C. D. M.  
Hira Singh, Sardar Bahadur Captain.  
Holme, Mr. H. E.  
Hudson, Mr. W. F.  
Hussanally, Khan Bahadur W. M.  
Innes, The Honourable Sir Charles.  
Lindsay, Mr. Darcy.

NOES—38—*contd.*

Lloyd, Mr. A. H.  
 Makan, Mr. M. E.  
 Monerjeff Smith, Sir Henry.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Muhammad Ismail, Khan Bahadur Saiyid.  
 Nag, Mr. G. C.  
 Nehru, Pandit Shamlal.  
 Parsons, Mr. A. A. L.  
 Rushbrook-Williams, Prof. L. F.

Sams, Mr. H. A.  
 Sastri, Diwan Bahadur C. V. Viavanatha.  
 Singh, Rai Bahadur S. N.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Tottenham, Mr. G. R. F.  
 Webb, Mr. F.  
 Willson, Mr. W. S. J.  
 Wilson, Mr. R. A.

The motion was adopted.

### THE WEEKLY PAYMENTS BILL.

**Mr. Chaman Lall** (West Punjab : Non-Muhammadan) : Sir, I move for leave to introduce a Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees.

I do not intend to detain the House at any length in this matter, particularly, after the conversational fire-works of the Honourable Diwan Bahadur T. Rangachariar on the fire-arms question, and the carefully registered whispers of the Honourable Mr. K. Rama Aiyangar on the Registration Act. All I wish to say can be condensed in a few sentences. There are two reasons why I want this Bill introduced ; firstly, on social and, secondly, on economic grounds. The social ground is this. We find that industrial workers in various centres in India have to subsist for a period at least of one month on credit, having to borrow large sums of money from money-lenders at exorbitant rates of interest. My Bill is designed to prevent any such extortion. Secondly, we found, as was the case in Bombay recently during the mill strikes, that large numbers of workers, several thousands, were thrown out of work and the wages due to them were not paid to them by their employers until after a very long period of negotiation and suspense. All that period was utilised to induce workers to return to work. I want to make it impossible for any employer to place employees in that position where he can withhold wages due to his employees. I want to make it penal to withhold wages.

This is the second aspect of the economic question that ordinarily, wherever wages are paid by the day, the wages are actually less in the total amount than when paid on a monthly basis, a proof of the fact that some allowance is indeed made for the fact that workers have to live on credit and borrow money at exorbitant rates for their subsistence. Honourable Members will see on page 4 of the Report known as "The Report of the Second Regular Wages Survey of the Punjab, taken in December 1917" a table giving the average daily earnings of labourers. In 1917 it was by the day 6 as. 6 p., but when reckoned by the month it was 6 as. 11p. You will find right through this table that when payments are made by the week the workers get more in money than when payments are made by the day. This is briefly why I wish to move this Bill. I want this Bill to apply to workers not only in Government employ, not only in the industrial centres, but to workers all round. The difficulties that may be met with in the form of the Bill as drafted

by me can easily be got over when it is referred to a Select Committee. I need not, therefore, go into the actual provisions of the Bill.

Sir, I move for leave to introduce it.

**The Honourable Mr. A. C. Chatterjee** (Industries Member) : Sir, I do not rise to oppose the Bill, indeed I cannot do so because I have had some difficulty in understanding what the exact aim or object of the Bill is. So far as I can judge from a very careful perusal of the terms of the Bill, I do not know whether the Honourable Member wants to introduce a weekly system of payments, or whether he wants to prohibit the system of withholding the wages of people of small means, or both. So far as I can judge from the actual language of the Bill, so long as an employer arranges to pay on a weekly basis, he can withhold payment for a month or six weeks.....

**Mr. Deputy President** : If the Honourable Member is not opposing the motion, he can defer his remarks to the second stage.

**The Honourable Mr. A. C. Chatterjee** : I think, Sir, I am entitled to explain the position of the Government with regard to the Bill. It has usually been the practice to allow the Member of Government to do so.

**Mr. Deputy President** : The Honourable Member will have ample opportunity to do so later on. Unless he opposes the leave for introduction, I do not think any remarks are in order.

The motion was adopted.

**Mr. Chaman Lall** : Sir, I introduce the Bill.

#### THE MATERNITY BENEFIT BILL.

**Mr. N. M. Joshi** (Nominated Labour Interests) : Sir, I ask for leave to introduce a Bill to regulate the employment of women in factories and mines and on those estates to which the Assam Labour and Emigration Act, 1901, applies some time before and some time after confinement, and to make provision for the payment of maternity benefit.

Sir, the object of my Bill is purely humanitarian. It seeks to prohibit the employment of women after confinement ; it also seeks to prevent employers dismissing women six weeks before confinement. The Bill also seeks to provide maternity benefits during the enforced period of absence. It has been found that mere prohibition without the provision of maternity benefits would not be of any use. That is the experience in England. Therefore, while prohibiting the employment of women and also allowing them to remain absent some time before confinement, I have made provision for maternity benefits. The Bill does not apply to women in all industries, but it applies only to factories, as defined by the Indian Factories Act, to mines as defined by the Indian Mines Act, and to estates which are regulated by the Assam Labour and Emigration Act, 1901. Here I want to make one thing clear. Although in my Bill I have mentioned the estates regulated by the Assam Labour and Emigration Act, still I do not intend to exclude other estates which may be regulated by other legislation. As a matter of fact I know there are other estates which are regulated by the Madras Planters Labour Act, and I think when the Bill goes to Select Committee.....

**The Honourable Mr. A. C. Chatterjee** (Industries Member) : Sir, I rise to a point of order. Can the Honourable Member, in introducing the Bill, propose that the scope of the Bill should be enlarged ?

**Mr. N. M. Joshi** : Sir, I do not think I am enlarging the scope of the Bill at all.

**The Honourable Mr. A. C. Chatterjee** : I ask for your ruling, Sir.

**Mr. Deputy President** : There is no motion for enlarging the scope of the Bill.

**The Honourable Mr. A. C. Chatterjee** : I understood the Honourable Member to suggest the enlarging of the scope of the Bill.

**Mr. Deputy President** : When such a motion comes up, it will be time to consider it.

**Mr. N. M. Joshi** : Sir, if the Chair allows me at the time when I make a motion for sending the Bill to a Select Committee, or when I ask the House to take my Bill into consideration, I propose to bring in certain estates which are not included here. The other details I have left to the Local Governments. The welfare of labour is a provincial subject, and I therefore think that these details must be left to the Local Governments. Sir, my Bill, since it was published in the papers, has received a large volume of public opinion in its favour. The Bombay Legislative Council has passed a Resolution supporting the principle of my Bill. There was a public meeting held in Bombay very recently under the auspices of 13 organisations in the City supporting the proposals of my Bill. The Medical Relief Committee of the Bombay Municipality, of which my Honourable friend Mr. Patel is the President, has also supported the proposals which I have included in my Bill. Sir, I therefore hope that the Bill will meet with support at the hands of this House; but before I take my seat, I would like to make one request to Government. It is this. To-day I am going to introduce the Bill, and the second motion for sending the Bill to Select Committee will not be made before the end of January. I would like Government to circulate my Bill, if the House gives me leave to introduce it, in the meanwhile, so that the Government may be ready with the opinions of the Local Governments, and able to consider the Bill properly. I hope, Sir, the House will give me leave to introduce my Bill.

**Mr. T. A. Chalmers** (Assam: European) : Sir, I rise to oppose this Bill. In opposing the introduction, I wish to make it clear that I do not do so because I disapprove of the principles of the Bill, or because employers in Assam are reluctant to give these privileges. As a matter of fact, for many years such privileges have been given. Many years before the International Conference at Washington, the quarter of a million of women employed in Assam tea gardens enjoyed these privileges, and these privileges have, up to date, not been introduced on such a large scale in any other country in the world. My opposition arises....

**Diwan Bahadur M. Ramachandra Rao** : May I ask the Honourable Member if he is speaking on behalf of the Government ?

**Mr. Deputy President** : I do not think such a question arises; the Honourable Member is opposing and is entitled to do so.

**Mr. T. A. Chalmers** : Allow me to introduce myself to the House as a tea planter from Assam. I represent the European community of that

Province. My opposition to the Bill arises from the fact that the Mover proposes to discriminate between tea grown in other parts of India and tea grown in Assam. He now informs the House that he proposes to extend the scope of this Bill later on. I still object to the discrimination because we have seen how our friends from Bombay have suffered and are still suffering from the effects of a discriminating Bill. I refer to the unjust cotton excise duty. Why should people who grow potatoes or rubber, or coffee, or anything not provide for their women workers the same privileges and rights as those that the tea industry are asked to provide? I think it would be equivalent to an excise duty on cotton being applied in Bombay and not applied in Calcutta. I maintain that those who employ women for any purpose whatsoever should undertake to provide for the special disabilities to which women are subject. I therefore ask the Honourable Mover to delete the reference to the Assam Labour and Emigration Act and to define an estate as any place where more than ten women are employed on any work whatsoever that is not already covered by the Indian Factories Act and the Indian Mines Act. If the House supports my proposal and the Honourable Mover accepts it, I understand that it will enlarge the scope of the Bill.

**Mr. N. M. Joshi:** I do not propose to do that.

**Mr. T. A. Chalmers:** Then I have nothing further to add at present. The motion was adopted.

**Mr. N. M. Joshi:** I introduce the Bill.

#### THE INDIAN RAILWAYS (AMENDMENT) BILL.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : I move for leave to introduce a Bill further to amend the Indian Railways Act, 1890. This Bill is intended to prohibit the reservation of compartments in railway trains for the exclusive use of persons belonging to any particular community, race or creed. This question came up for discussion in the last Assembly on more than one occasion, and the present position is that it is only in certain trains and it is only for the benefit of third class passengers belonging to a particular community that carriages are reserved; and while the compartments are reserved for Europeans the Railway Administration has issued a circular to their local Agents asking them to permit anybody who may be wearing European dress to make use of these reserved compartments. I have no doubt that the objection which the predecessor of this House took to the reservation of compartments still remains so far as the underlying principle of this discrimination is concerned. I need hardly point out to the House that public opinion resents this discrimination as strongly as it did ever before. There have been prosecutions for the infringement of this rule, and some of them came up before the different High Courts in India. The latest case I think came up before the Calcutta High Court, and we have the decision in that case reported in the law journals. It appears that a young Indian belonging to the middle class deliberately broke the law and insisted on remaining in a compartment which was reserved for Europeans. This is what the judgment says :

“ The accused..... was seen seated in a compartment of a third class railway carriage marked for Europeans..... with some other Indian passengers all of whom were attired in Indian dress. They were asked by a ticket examiner to vacate the compartment as it was reserved for Europeans. The other Indian passengers occupying the said compartment vacated it, but the accused did not, saying he had as



[Mr. K. C. Neogy.]

much right to occupy the said compartment as any European. Subsequently the accused vacated the compartment stating that he courted the prosecution to make a test case of it. He was prosecuted and convicted and fined Rs. 5."

In this case it was held that if this rule is not inconsistent with any express provision of law in the general scheme of the Railway Act, it should not be held to be *ultra vires* of the powers of the Company. But one of the learned Judges observed to the following effect :

"I cannot but feel that it is desirable that public bodies, which exist for public convenience, derive their revenue from the general public and enjoy monopoly in their trade under the law of the land, should take good care to remove any vestige of suspicion of preferential treatment of any particular class or community."

Later on, he observed :

"The effect of such reservation is that a European, or one who is included in that term, for whom a compartment is reserved may travel in any compartment he likes but an Indian suffering from the disability of not being classed as a European is debarred from travelling in the European reserved compartment. I am unable to concede that such an apparently invidious distinction is not to be considered preference in favour of one community to the prejudice or disadvantage of another."

Sir, I believe that the Government case is that this arrangement is suited to the religious susceptibilities and the peaceful disposition of the Indians. Now, Sir, the logical consequence of such an argument would be that member of the province from which my Honourable friend, Nawab Si Sahibzada Abdul Qaiyum, comes will have to be provided with a reserved compartment because a timid Bengali like myself may not like to travel with him. Furthermore, separate compartments may have to be provided for Hindus and Muhammadans, Jains and Christians. I do trust the Government are not going to take up this position and I hope the House will give me leave to introduce this Bill.

The motion was adopted.

**Mr. K. C. Neogy :** I introduce the Bill.

### THE WORKMEN'S FREEDOM BILL.

**Mr. N. M. Joshi** (Nominated : Labour Interests) : I move for leave to introduce a Bill to repeal legislation making breaches of contract of service, absence from work and desertion on the part of artificers, labourers and workmen and the enticing away, harbouring or employing of labourers under labour contract a penal offence.

Since I gave notice of my Bill the Government have introduced certain legislation which includes a part of the legislation which my Bill seeks to repeal. I therefore propose to omit that part which is included in the Government Bill. The Government have introduced legislation to repeal the Workmen's Breach of Contract Act which is included in my Bill. They have also included in their Bill sections 490 and 492 of the Indian Penal Code which are included in my Bill. I therefore omit these from the Bill which I ask for leave to introduce.

**Mr. Deputy President :** The Honourable Member is not entitled to do anything of the kind now. He may ask for leave to introduce the Bill as it is.

**Mr. N. M. Joshi :** Then I will ask for leave to introduce the Bill as it is. I hope the House will give me leave to introduce it.

**The Honourable Mr. A. C. Chatterjee** (Industries Member) : I wish to point out that, as has already been mentioned by the Honourable the Mover, a Bill has already been introduced by Government which deals with

two-thirds of his proposals. There is only one point left in his Bill and that is with regard to certain provisions of the Assam Labour and Emigration Act. Those provisions, as the Honourable Mover is aware, have been inoperative for many years by executive notification, and I can give him the assurance that there is no intention whatever on the part of Government to make those provisions effective in the near future. I can give him the further assurance that before Government take any action towards rescinding the present notifications and making those provisions again effective, the views of this House will be obtained. I hope that in view of the assurance given by me he will withdraw his Bill. Otherwise I shall be obliged to oppose this motion.

**Mr. N. M. Joshi :** In view of the assurance given by the Honourable Mr. Chatterjee I have great pleasure in withdrawing my Bill. Before I sit down I want to make a request to Government that they should at an early date undertake the examination of this Act and get these sections repealed as soon as possible.

The motion was, by leave of the Assembly, withdrawn.

#### THE SPECIAL MARRIAGE (AMENDMENT) BILL.

**Dr. H. S. Gour** (Central Provinces, Hindi Divisions : Non-Muhamadan) : Sir, my Bill is a very small Bill and deals with a small point. It is simply this. This Special Marriage Act was enacted in 1872 when they had no statutory provision regulating the age of majority. Consequently the framers of the Act fell back upon the English law of majority and enacted in section 2, clause (3) that each party must if he or she has not completed the age of 21 years have obtained the consent of his or her father or guardian. Three years later the Indian Majority Act was enacted and it fixed the age of 18 years as the age for majority. Now the corresponding change in the Act of 1870 has not been made, with the result that if a person between the age of 18 and 21, having no father alive wishes to marry, he or she cannot marry at all because under the Guardian and Wards Act a person after he completes the age of 18 cannot have a guardian and yet this Act enacts that a person between the age of 18 and 21 shall obtain the sanction or consent of the guardian. It is merely to correct this anachronism in the law that I wish to introduce this short Bill. Sir, I ask for leave to introduce it.

**Mr. Deputy President :** The question is :

“ That leave be given to introduce a Bill further to amend the Special Marriage Act, 1872.”

The motion was adopted.

**Dr. H. S. Gour :** Sir, I introduce the Bill.

#### THE INDIAN STAMP (AMENDMENT) BILL.

**Mr. C. Duraiswami Aiyangar** (Madras Ceded Districts and Chittoor : Non-Muhamadan Rural) : I rise to ask for leave to introduce a Bill to amend the Indian Stamp Act, 1899.

The only point in it is as the law exists in section 35 of the Indian Stamp Act all documents which are not stamped or insufficiently stamped can be admitted in evidence on payment of a penalty except in so far as the case of promissory notes and bills of exchange are concerned. There is an exception there by which the promissory note will be altogether excluded and no action can lie upon it if it is not stamped. My object

[Mr. C. Duraiswami Aiyangar.]

is to make the law to validate insufficiently stamped or non-stamped documents on an uniform basis and my chief ground is that in this country people do not properly understand what is meant by a promissory note or a negotiable instrument. Therefore difficulties often arise. I do not want to say anything more on this occasion because I can tell the House that I consulted the Honourable Sir Basil Blackett about it and he has consented to my introducing the Bill at this stage, though changes will have to be made at a later stage. I therefore beg leave of the House to introduce my motion.

**The Honourable Sir Basil Blackett** (Finance Member): The Honourable Member who desires to introduce this Bill must have misunderstood me when I spoke to him because I never agreed that I would not oppose the Bill at the introduction. He must have misunderstood the conversation that we had in the lobby a day or two ago. I desire to oppose this Bill and I do so for several reasons. The Bill is an attack on the Government stamp revenue. It is an attack on the stamp revenue of the Provincial Governments and it was decided only a little more than a year ago, when the Government were amending the Stamp Act in 1923, that it was undesirable to make the change which is now proposed. The Select Committee on the Stamp Bill, what is now the Stamp Act of 1923, reported as follows :

“ While therefore we are by a majority of opinion that the enhancement of the stamp duty on promissory notes is justifiable we are at the same time of opinion that the rigour of the above quoted provision should be relaxed at least temporarily. We do not recommend a permanent relaxation ”—*(which is what is now proposed by the Mover of this Bill)*—“ because it appears that the exception which is made in the case of promissory notes to the rule that documents not duly stamped may be received in evidence on payment of a penalty is a provision of very long standing both in the English and the Indian law and to do away permanently with this provision would lead to evasion of payment of duty on a large scale.”

The sections which the Honourable Member in his Bill proposes to amend have come down in their present form from as long ago as 1879. When the law was amended in 1879 the provisions relating to penalties and validation were completely changed and among other things a distinction was drawn for the first time between bills of exchange, promissory notes and instruments chargeable with one anna on the one hand and other classes of instruments on the other hand, and the former were not allowed to be validated under any circumstances. The reasons for making this distinction and not allowing the promissory notes and instruments chargeable with one anna to be validated under any circumstances were in the first instance that this was in accordance with the English law. The argument was also that it is more easy to evade payment of duty in the case of adhesive stamps than in the case of other stamps and more in the case of certain classes of documents which may run their course and can be automatically cancelled without ever being produced either before a Civil Court or a Government servant. The argument that is pressed by the Honourable Mover is that this leads to injustice inasmuch as on account of the illiteracy in the country a number of innocent persons suffer and that from the point of view of revenue it might pay to validate these instruments on payment of a penalty rather than to prohibit their validation. Now bills of exchange and cheques are in practice often negotiated and the transactions pass through the hands of many people. Any one who handles them is likely to bring to light the defective stamping or actually to make up for

it by affixing a stamp and in any case it is always open to the banker who may deal with these at some time or other to affix the stamp of validation. In these cases therefore the argument in respect of loss of revenue is not very cogent. But with regard to promissory notes, many of them are never seen except by the drawer and the drawee. When they come to Court it is the lender who is likely to bring them before the Court, not the man who has borrowed ; and the lender is not usually an illiterate person. It is therefore not I think a very strong argument to claim that this provision is a hardship on the illiterate person. The difficulty is that if these documents are not stamped in the first instance and are allowed to be validated simply by an addition of the stamp, even with the addition of a penalty and quite a high penalty, the loss of revenue is likely to be quite severe ; because in practice it will mean that no document will be stamped except when it has to come before a Court. I am aware that the Honourable Mover will say that as a matter of fact the present condition of the law leads to perjury. He will argue that if a document is not stamped and has not been stamped at the proper time and eventually it is desired to bring it before the Court, some means will be found for stamping it and claiming that it was stamped in proper time ; or that other means will be found of evading the duty. But I would point out to the Honourable Member that for over 40 years this has been the provision of the law in India. This provision is based on the English precedent. The same rule applies in the case of the English stamp law. The argument in regard to illiteracy has, as I have pointed out, to be substantially discounted because it may safely be assumed as a general rule that it is the lending class who are likely to be the sufferers by the existing provision and the lending class is not illiterate. It may be that occasional hardships occur, but I think that the tax-payer in general and the provincial tax-payer has to consider seriously the loss of revenue that would be thrown upon him by a change in the law at this date. Though stamp legislation is a central subject stamp revenue is a provincial one, and I have not heard that the Honourable Member has been invited by any of the Local Governments to introduce this legislation. It is very difficult to estimate the revenue from that class of documents. Ordinarily, in fact in almost all cases excepting cheques, they are stamped with adhesive stamps and usually with unified postage revenue stamps. The amount which is credited to stamps on account of the share of unified revenue and postage stamps is something approaching 20 lakhs a year ; but there are reasons to doubt as to whether our statistics tell us exactly what the revenue from these stamps is, and we must also remember, as I pointed out at the beginning of my speech, the revenue from stamps was altered by the Stamp Act of last year, and we have not yet made complete calculations as to what was the effect of that action and what is the revenue from this particular form now. But unified postage stamps and revenue stamps are used of course in other kinds of instruments and there are no data for estimating the stamps affixed on cheques or the proportion which the unified stamp bears to other adhesive stamps, or the proportion which the revenue from this class of documents bears to that from other documents in respect of the unified postage and revenue stamps. It would hardly be worth while to attempt any estimate, unless indeed this Bill were to be taken seriously by the House and passed on to the second reading, in which case we should undoubtedly have to consider very carefully what revenue

[Sir Basil Blackett.]

is at stake and what we are risking by even considering the proposal that is made. But on the ground of principle that this is an attack on the stamp revenue and an attack on the stamp revenue not only of the Central Government but also of the stamp revenue of Provincial Governments, and that it has not so far as I know been instigated by any Provincial Government, I desire on behalf of the Government to oppose this motion.

(Mr. C. Duraiswamy Aiyangar rose to speak).

**Mr. Deputy President :** The Honourable Member has no right of speech.

The question is :

“ That leave be given further to amend the Indian Stamp Act, 1899.”

The Assembly divided :

AYES—27.

Abhyankar, Mr. M. V.  
Aiyangar, Mr. C. Duraiswami.  
Aney, Mr. M. S.  
Chamrin Lall, Mr.  
Das, Mr. Nilakantha.  
Duni Chand, Lala.  
Gulab Singh, Sardar.  
Hans Raj, Lala.  
Iyengar, Mr. A. Rangaswami.  
Kartar Singh, Sardar.  
Malaviya, Pandit Madan Mohan.  
Mehta, Mr. Janinadas M.  
Misra, Pandit Shambhu Dayal.  
Misra, Pandit Harkaran Nath.

Murtaza Sahib Bahadur, Maulvi Sayad.  
Narain Dass, Mr.  
Nehru, Dr. Kishenlal.  
Nehru, Pandit Shamlal.  
Neogy, Mr. K. C.  
Patel, Mr. V. J.  
Ramachandra Rao, Diwan Bahadur M.  
Ranga Iyer, Mr. C. S.  
Ray, Mr. Kumar Sankar.  
Samiullah Khan, Mr. M.  
Singh, Mr. Gaya Prasad.  
Sinha, Kumar Ganganand.  
Venkatapatiraju, Mr. B.

NOES—47.

Abdul Qaiyum, Nawab Sir Sahibzada.  
Ahmed, Mr. K.  
Aiyer, Sir P. S. Sivaswamy.  
Ajab Khan, Captain.  
Badi-uz-Zaman, Maulvi.  
Bhore, Mr. J. W.  
Blackett, The Honourable Sir Basil.  
Burdon, Mr. E.  
Calvert, Mr. H.  
Chalmers, Mr. T. A.  
Chatterjee, The Honourable Mr. A. C.  
Crawford, Colonel J. D.  
Das, Mr. Bhubanananda.  
Duval, Mr. H. P.  
Fleming, Mr. E. G.  
Ghazanfar Ali Khan, Raja.  
Hezlett, Mr. J.  
Hindley, Mr. C. D. M.  
Hira Singh, Sardar Bahadur Captain.  
Holme, Mr. H. E.  
Hudson, Mr. W. F.  
Hussainally, Khan Bahadur W. M.  
Hyder, Dr. L. K.  
Innes, The Honourable Sir Charles.

Jinnah, Mr. M. A.  
Kasturbhai Lalbhai, Mr.  
Lindsay, Mr. Darcy.  
Lloyd, Mr. A. H.  
Mahmood Schamnad Sahib Bahadur, Mr.  
Makan, Mr. M.E.  
Moncrieff Smith, Sir Henry.  
Muddiman, The Honourable Sir  
Alexander.  
Muhammad Ismail, Khan Bahadur Saiyid.  
Nag, Mr. G. C.  
Parsons, Mr. A. A. L.  
Purshotamdas Thakurdas, Sir.  
Rajan Bakhsh Shah, Khan Bahadur  
Makhdum Syed.  
Rushbrook-Williams, Prof. L. F.  
Sams, Mr. H. A.  
Sastri, Diwan Bahadur C. V. Visvanatha.  
Singh, Rai Bahadur S. N.  
Sykes, Mr. E. F.  
Tonkinson, Mr. H.  
Tottenham, Mr. G. R. F.  
Webb, Mr. M.  
Willson, Mr. W. S. J.  
Wilson, Mr. R. A.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 24th September, 1924.





# LEGISLATIVE ASSEMBLY.

Wednesday, 24th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### TEMPORARY ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT.

2358. \*Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to lay on the table a statement showing :

(a) Number of temporary assistants and clerks employed in each Department of the Government of India Secretariat, separately.

(b) Total length of their temporary service.

(c) Number of assistants and clerks who have been confirmed since the leave reserve system was enforced.

(d) Total length of temporary service with the Government of India of the men mentioned in (c).

The Honourable Sir Alexander Muddiman : (a), (b) and (d). The information is not readily available and Government do not consider that it would serve any useful purpose to collect it.

(c) 71 Assistants and Clerks have been confirmed since the leave reserve system was sanctioned.

### PERMANENT APPOINTMENTS FOR TEMPORARY ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT.

2359. \*Khan Bahadur Sarfaraz Hussain Khan : (a) Is it a fact that men with greater length of service have not been confirmed, and the men with less temporary service have been made permanent ?

(b) If so, will the Government please give reasons ?

The Honourable Sir Alexander Muddiman : (a) and (b). The Honourable Member is referred to the reply which I gave to a similar question by Sardar V. N. Mutalik the other day (No. 2247).

### PROVISION OF FAMILY QUARTERS IN SIMLA FOR DAFTRIES EMPLOYED IN THE GOVERNMENT OF INDIA SECRETARIAT.

2360. \*Khan Bahadur Sarfaraz Hussain Khan : (a) Is it a fact that the question of providing family quarters in Simla for the Daftries employed in the Government of India Secretariat is under the consideration of Government ?

(b) If so, will the Government please state since when the question has been under consideration, and when it is likely to be disposed of ?



**The Honourable Sir Alexander Muddiman :** (a) The answer is in the affirmative.

(b) The question has been under consideration for many years. But the matter has not been lost sight of, and Government are doing what they can with the limited funds available for the purpose. I understand that some additional quarters are now under construction, but it cannot be said definitely at present when the scheme will be completed. It depends to some extent on the question of the occupation of the permanent quarters at Delhi, as to which nothing has yet been definitely settled.

#### GRANT OF TECHNICAL AND OVERSEAS ALLOWANCES TO RAILWAY OFFICERS.

2361. **\*Lieut.-Colonel H. A. J. Gidney :** (a) Will the Government be pleased to state whether technical and overseas allowances are permissible to the following class of officers :—To Railway officers with British training, British Railway experience, and British qualifications [A.M.I.C. (E)] entertained as such in India and confirmed in their appointments *prior to April 1921* when the Rules controlling these allowances came into effect on Indian Railways ?

(b) If the answer is in the affirmative, will the Government be pleased to state why these allowances are being denied to certain Railway officers, and in particular to some officers on the M. and S. M. Railway ?

**Mr. A. A. L. Parsons :** (a) As regards *technical* allowance, India recruited officers other than of the Traffic and Stores Departments possessing the qualifications stated are eligible on State lines for the allowance. The orders were, however, not brought into effect in respect to all officers from the same date.

As regards *overseas* allowance, the reply is in the affirmative provided their domicile is elsewhere than in Asia. Officers of the Stores Department are, however, not eligible for the allowance.

(b) The Honourable Member does not state to what particular officers he refers but the orders above referred to are applicable to State lines only and discretion to adopt them was left to Companies concerned.

#### GRANT OF HOUSE RENT ALLOWANCES TO THE CLERICAL ESTABLISHMENT OF THE INDIAN STORES DEPARTMENT.

2362. **\*Kumar Ganganand Sinha :** (a) Is it a fact that the Indian Stores Department move between Simla and Delhi along with the Government of India ?

(b) Is it a fact that members of the staff of the Indian Stores Department get neither house rent allowance nor free accommodation in Simla ?

(c) Are Government aware that clerks in lower grades find it almost impossible to secure a sanitary house on reasonable rent compatible with their emoluments ?

(d) Are Government aware that most of the clerks have to pay between 25 and 30 per cent. of their emoluments as house rent for private houses in Simla ?

(e) Is it a fact that the maximum rate of rent of Government quarters even in ordinary stations fixed by the Government is 10 per cent. as laid down in 45 (b) of the Fundamental Rules ?

(f) If replies to (a) to (e) are in the affirmative are the Government prepared to allot a proportionate number of Government quarters to the Indian Stores Department also or grant them house rent allowance in case no quarters are available ?

**The Honourable Mr. A. C. Chatterjee :** (a) The present arrangement which is purely temporary, is as stated.

(b) Presumably the Honourable Member is referring to the clerical establishment of the Chief Controller's office. It is true that they do not enjoy either of the concessions mentioned. I may state, however, that while at Delhi they get a camp allowance on the same scale as is granted to men of corresponding status in other attached offices.

(c) and (d). The Government have no information.

(e) The Honourable Member can himself interpret Fundamental Rule 45.

(f) Government do not propose to make any alteration in the existing arrangements, which are the same for the Indian Stores Department as for any other attached office.

#### STENOGRAPHERS IN THE ARMY HEADQUARTERS.

\*2363. **\*Kumar Ganganand Sinha :** Is it a fact that the services of stenographers are utilized in the Army Headquarters, if so, why are there no sanctioned appointments analogous to those of Civil Secretariat Offices ?

**Mr. E. Burdon :** The services of part-time stenographers are utilised in the Army Headquarters offices, on varying allowances in addition to pay of clerical appointments. In one office only is a full time stenographer employed. The conditions obtaining in Army Headquarters do not justify the employment generally of whole-time stenographers as in offices of the Civil Secretariat.

#### ALLOWANCES TO CLERKS WHO HAVE QUALIFIED IN STENOGRAPHY.

2364. **\*Kumar Ganganand Sinha :** Is it a fact that the departmental men who used to pass the test in stenography of the Education Department prior to the creation of the Staff Selection Board were granted an allowance as a compensation for their labours and for the maintenance of their speed. If so, why is this allowance not granted to the qualified departmental stenographers now ?

**The Honourable Sir Alexander Muddiman :** The answer to the first part of the question is in the affirmative. These allowances were withdrawn in February 1923, in view of the fact that the strength of stenographers in each Department is now generally fixed with reference to the amount of shorthand work to be done. It was therefore considered that the payment of these allowances to encourage clerks to become proficient in stenography was unnecessary.

#### CASE OF MR. RAM SARAN DAS PUNJ, A CLERK IN THE PUNJAB EDUCATION DEPARTMENT, ON DEPUTATION TO THE INDIAN MUNITIONS BOARD.

2365. **\*Lala Duni Chand :** 1. (a) Is it a fact that one Mr. Ram Saran Das Punj, a clerk in the Punjab Education Department was taken in the Indian Munitions Board on Rs. 90 per mensem in November, 1917, retaining his lien for 5 years on his original substantive appointment ?

(b) Is it also a fact that after the expiry of 5 years, the P. E. Department refused to extend the lien any further and consequently the Chief Controller (Surplus Stores) permitted him to resign his substantive post on an undertaking of a permanent appointment having been given to him in the Government of India, Department of Industries or in the Indian Stores Department ?

(c) Is it also a fact that in pursuance of the arrangement above referred to Mr. Punj was given a permanent appointment by the Staff Selection Board on Rs. 140 per mensem from the 30th July, 1923 in the P. W. Branch of the Department of Industries and Labour ?

(d) Is it also a fact that only about a week after he had joined the permanent appointment, his services were dispensed with without any reasons being assigned ?

(e) Is it also a fact that on a representation having been made by the said Mr. Punj, the charge disclosed against him was that " he was responsible for the issue of anonymous petitions against Government officials " while he was serving in the Indian Munitions Board ?

(f) Is it a fact that for 3 years, after the alleged wrongful behaviour on his part, the said Mr. Punj was allowed to remain in service in the office of the Chief Controller (Surplus Stores), was granted promotions (rising to Rs. 200 per mensem from Rs. 90 per mensem on which he joined in November, 1917), and was permitted to resign his substantive appointment in the Punjab Education Department by the same officer who had charged him with writing anonymous letters ?

(g) Is it also a fact that no charge was framed against the said Mr. Punj and he was absolutely given no opportunity to disprove the charge ?

(h) Are the Government prepared to reconsider his case ?

**The Honourable Mr. A. C. Chatterjee :** (a) Yes.

(b) No. Mr. Ram Saran Das refused to rejoin his substantive appointment in the Punjab Education Department on the expiry of the period for which he was granted a lien on his appointment. No promise of a permanent appointment under the Government of India was given to him.

(c) and (d). No. He was given a temporary appointment in a leave vacancy in the Public Works Branch of the Department of Industries and Labour.

(e) Yes.

(f) It is a fact that Mr. Ram Saran Das remained in the service of the Government of India for a considerable period after the incident referred to, because it was not brought to the notice of Government earlier. As already stated, he voluntarily refused to rejoin his substantive appointment in the Punjab Education Department.

(g) Government are not prepared to reconsider the case.

#### MOVEMENT AGAINST THE PAYMENT OF THE CAPITATION TAX IN THE TAYOY DISTRICT, BURMA.

**Mong Tok Kyi :** (1) Has the attention of the Government been drawn to a press communiqué, dated Rangoon, the 19th September 1924, stating " movement to refuse payment of Capitation Tax has spread widely

in Tavoy District. Is it a fact that prosecutions having proved ineffective, Government have decided to declare more prominent Associations engaged in agitation, unlawful and to quarter additional police in villages where disturbance is expected" ?

(2) Are Government prepared to direct the Burma Government to suspend action in the matter ?

**The Honourable Sir Alexander Muddiman :** I have received information from the Government of Burma that Tavoy district is in a disturbed state owing to a serious movement to refuse payment of Capitation Tax, and of their intention to declare certain Associations unlawful under the Criminal Law Amendment Act. I have asked for a full report on the situation, and, in the absence of details, am unable to make any further statement.

(At this stage Mr. President called out Mr. Ranga Iyer's name, as there was a question for answer at short notice in his name. The Honourable Member was not in his place.)

**Mr. President :** The Honourable Member gave private notice of a question and asked me to waive the period of notice. He is not now in his place to ask it. I consider that that is not the proper way to treat either the House or the Chair or the Honourable Member of Government who is asked to answer the question.

#### UNSTARRED QUESTION AND ANSWER.

PAY, ETC., OF THE DEPUTY CONTROLLER, PRINTING CLEARING OFFICE.

470. **Lala Hans Raj :** (a) Is it a fact that the officer in charge of the Printing Clearing Office is in receipt of a grade pay of Rs. 750—50—1,000 per mensem in addition to a special pay of Rs. 150—50—200 per mensem ?

(b) If the reply be in the affirmative, will Government be pleased to state what the officer's duties are and the necessity for granting him special pay in addition to the grade pay ?

(c) Is it a fact that the officer in question was until recently a Superintendent in charge of an ordinary Branch in the Department of Industries and Labour ? If so, what were his emoluments as such ?

(d) What is the rate of pay drawn by the Superintendents of the Simla, Delhi and Calcutta Presses and how long have the incumbents of these posts held them ?

(e) What establishments does the Printing Clearing Office comprise compared with those under the control of the Superintendents of the three Presses named ?

(f) Is it a fact that in addition to the officer in charge of the Printing Clearing Office there are two other highly paid officers ? If so, what are their pays and is it a fact that one of these officers was a Superintendent of a Press in Simla ?

(g) What is the reason for granting the officer in charge of the Printing Clearing Office higher pay than that of Superintendents of Government Offices and of Presses ?

**The Honourable Mr. A. C. Chatterjee :** (a) Yes ; except that the rate of increment in the case of special pay is Rs. 10 and not Rs. 50.

(b) The main duties of the officer are the control of printing work and its distribution to the presses, and the control of the use of forms. The special pay has been given partly as compensation for the loss of

all Simla allowances to which the officer was entitled in his former appointment and partly to cover the extra responsibility involved.

(c) Yes. His emoluments as a Secretariat Superintendent were Rs. 600—40—800 *plus* the usual house rent allowance admissible under the Simla Allowances Code.

(d) The Superintendent, Government Printing, India, Calcutta, is in receipt of Rs. 1,250, *plus* exchange compensation allowance, and has held this appointment for eighteen years. The posts of Superintendent in Simla and Delhi have been abolished and the presses are in charge of Managers. The Manager at Delhi is in receipt of Rs. 770 and has held his post for eighteen months ; the Manager at Simla is in receipt of 1,000 and has held his post for six months.

(e) The number of persons employed in the Printing Clearing Office is 16. The numbers employed in the three presses named are 374, 362, and 1,098, respectively.

(f) The Deputy Controller has two Assistants on Rs. 550—40—750 and Rs. 500—25—700, respectively. One of the Assistants was a Deputy Superintendent in charge of the Government Monotype Press, Simla.

(g) The pay is not based on the scale given to Managers of Presses, whose work is of an entirely different character. It is in excess of that given to Secretariat Superintendents because the post of Deputy Controller is one of greater responsibility and demands greater capacity.

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#### ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

**Mr. President :** The House will now proceed to elect members to the Standing Finance Committee for Railways. 29 members have been nominated for eleven seats. Instructions are printed at the foot of the ballot paper. Members will now come to the table and receive their ballot papers. I think it will be more orderly than it was on the previous occasion if they come in the order in which I call them.

**Nawab Sir Sahibzada Abdul Qaiyum** (North West Frontier Province : Nominated Non-Official) : Sir, I beg to withdraw my name.

**Mr. President :** All I can do now is to ask Honourable Members to take notice that Sir Abdul Qaiyum does not wish to serve on the Committee. His name is printed on the ballot paper.

(The ballot was then taken).

**Mr. President :** I do not expect to be able to announce the result of the election before the end of to-day's proceedings. Therefore, the official announcement of the result will be made in the Gazette.

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#### PROPOSED PRESENTATION OF AN ADDRESS TO H. E. THE VICEROY *RE* THE NEXT SESSION OF THE ASSEMBLY.

(Mr. V. J. Patel rose to speak.)

**Mr. President :** The Honourable Member (Mr. V. J. Patel) has given notice of his desire to move the presentation of a formal address

to the Governor General under Standing Order 74 in the following terms :

“ That a humble address be presented to His Excellency the Governor General requesting that he be pleased to summon the next session of the Legislative Assembly on some date after the expiration of four years from the time of the first meeting of the Assembly, so as to enable the Assembly to exercise its right of electing its President under section 63C (1) of the Government of India Act.”

The Honourable Member proposes to use a method which is not available. Standing Order 74 is not in itself an operative Standing Order, but only provides the means whereby communications, under other provisions of the procedure, shall be transmitted to His Excellency the Governor General ; that is to say, to give an instance, where this Chamber and the other Chamber fail to agree on a Bill and there is no other course of action open, then report is made to His Excellency the Governor General of the fact that there is no agreement. It is for that purpose and other such purposes that Standing Order 74 provides the channel, but not for the purpose of such a motion as this.

#### RESOLUTION *RE* ABOLITION OF THE COTTON EXCISE DUTY—

*contd.*

**Mr. President :** The House will now resume the debate on the Resolution moved by Mr. Kasturbhai Lalbhai on the 20th March 1924 in the following terms :

“ That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian Members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date.”

**Mr. Harchandrai Vishindas** (Sind : Non-Muhammadan) : Sir, my right to speak on this subject arises from the fact that I myself have got a very vivid recollection of the occasion when this excise duty was imposed in the year 1896. I distinctly remember the shriek of indignation and horror that it evoked throughout the length and breadth of the country both amongst the Indian Press and the Indian public as also amongst some impartial Anglo-Indian newspapers. But, Sir, the history of the struggle between Lancashire and Indian industries goes far back. Now, Sir, the reason why a shriek of horror and indignation was caused in the country by the imposition of this unholy duty was that not only was it considered to be against the interests of the country that this duty should be imposed, but that there was a clear, unabashed admission on the part of the Government Members that it was so. It was at the dictation of the Home Government in the interests of Lancashire industries that this duty was to be imposed, otherwise there was no justification for it. But, Sir, if we go into the history of the struggle between India and Lancashire, for the matter of that, the struggle between India and England, over the cotton industry or piece-goods industry, we have to go somewhat far back. Lecky in his “ History of England in the 18th Century ” says :

“ At the end of the seventeenth century great quantities of cheap and graceful Indian calicoes, muslins and chintzes were imported into England, and they found such favour that the woollen and silk manufacturers were seriously alarmed. Acts of Parliament were accordingly passed in 1700 and 1721 absolutely prohibiting, with a very few specified exceptions, the employment of printed or dyed calicoes in England.”

Then it was said :

“ It is indeed very doubtful, had prohibitive duties not been imposed on Indian goods, whether the cotton mill industry in England could ever have made

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the progress which it did in the first half of the nineteenth century ; in any case, it is certain that owing to the political domination in India England was able to cripple very seriously the great hand-loom industry of India."

Having done so, the next stage to which I refer is 1874. For fiscal purposes it was found necessary to impose import duties on piece-goods coming from England,  $3\frac{1}{2}$  per cent. on yarn and 5 per cent. on piece goods. This naturally created a great howl in Lancashire and memorials were sent by the Manchester Chamber of Commerce to Parliament to inquire into this. The Duke of Argyll, who was at that time the Secretary of State for India, sent these memorials to the Government of India for investigation and report. The Manchester Chamber of Commerce found a very opportune time here, because at that time Mr. Gladstone's administration, which was very unpopular, was tottering ; it was found that there would be an election very soon and the Lancashire vote would be a very valuable one ; and so it happened that lots of Conservative members promised their support to Lancashire and the result was that when the Government of India sent their report to the Home Government to say, in response to the Secretary of State, that really there was no justification for the abolition of these import duties, the Home Government insisted, with the result that Lord Northbrook, who was a very conscientious and just Viceroy, was obliged to resign rather than to submit to this dictation. Well, Sir, as you are all aware, Lord Northbrook was succeeded by Lord Lytton, who was of a different stuff altogether, and for his Finance Member he had Sir John Strachey, who was, according to him, a confirmed free-trader. Well, Sir, the long and short of it is that these duties were abolished. The next stage is when these duties were reimposed. But at the time of the abolition it was found that the Government of India did a great wrong to the people of India and to the piece-goods industry of India and also to the finances of India, because at that time there was a great financial stringency on account of the Madras famine and also on account of the Afghan war. So much so that one Member of the Executive Council made a very strong protest against this imposition. As a matter of fact, even in the Executive Council there was a majority of members against the abolition of these duties, but Lord Lytton overruled them under the powers which are now known as powers of certification in the interests of the peace and tranquillity of India. But, Sir, there is one significant remark made at the time by Sir John Strachey which is worthy of consideration. Before I come to this remark of Sir John Strachey I would like to refer to one remark of Lord Salisbury, the Secretary of State for India at the time. When this discussion came up in the House of Lords, he made the following remarks in reply to those people who said that the interests of India should be looked into in the first instance :

"It is surprising to find the interests of the English manufacturers treated (in the debate) as matters of small account."

Then, Sir John Strachey said :

"We are often told that it is the duty of the Government of India to think of Indian interests alone and that if the interests of Manchester suffer it is no affair of ours. For my part, I utterly repudiate such doctrines ; I have not ceased to be an Englishman because I have spent the greater part of my life in India and have become a member of the Indian Government. The interests of Manchester, at which foolish people sneer, are the interests not only of the great and intelligent population engaged directly in the trade in cotton, but of millions of Englishmen. I am not ashamed to say that while I hope that I feel as strongly as any man the duties which I owe to India, there is no higher duty in my estimation than that which I owe to my own country."

So, Sir, here is a man who is not ashamed to state that, although he is a member of the Indian Government, he is quite prepared to sacrifice the interests of India to those of England, because that is his country. Now, Sir, I do not know whether there is any such statesman now who will be prepared to utter such remarks because I am quite sure he will be afraid of being jumped at by our Swarajists and being torn to pieces for making any such utterance. (*Honourable Members*: "He will be attacked by all.")

Now, Sir, I remember having read that at the time of his death young Pitt cried out "my country, my country". I think that is a very laudable cry, but I also think that Englishmen who reside in India and who are members of the Government in India, when crying like young Pitt "my country, my country", should mean India and not England. But I am sorry to say that the Englishmen who come here, whether officials or non-officials, find a very fleeting interest in India and sometimes do not care to look after the interests of India except when they are identical with their own interests. I remember a veterinary surgeon informed me that he had discovered a cure for the glanders and pharcy disease of cattle. So he reported to his chief, who said that he did not want that discovery because it would interfere with the trade of his countrymen in hides and skins. From this you will see the length to which this English patriotism is carried. And that is the reason why these duties were imposed at the time. It was said that, if such considerations had not weighed with those who were in the Government of India at the time, these duties would not have been abolished. That was the time when there was a question only of the removal of the duty that had been imposed upon imported cotton goods. The true history of these excise duties begins from 1894. First of all, a countervailing duty was imposed upon yarn in 1894. In 1894 it appeared that the exigencies of finance were such that it was very necessary to impose duties on imported piece-goods. But, in order to placate Lancashire, Sir James Westland also proposed excise duties on yarns produced in India. But Lancashire was not satisfied with this and the result was that in 1896 these excise duties were imposed. In fact, the summing up of the whole legislation comes to this :

"In 1879, cotton duties were surrendered. In 1882, all import duties, except on salt and liquors, were repealed. In 1894, import duties were reimposed, and an excise duty was imposed on such Indian goods as competed with Lancashire goods. But the surrender of 1896 went farther and deeper. It imposed an excise duty on all cotton goods produced in India."

Now, Sir, it was distinctly stated by Sir James Westland that it was not because this excise duty was considered to be good on its merits that the Government of India imposed it, but it was in obedience to the dictation from home and in the interests of Lancashire that it was done. But Sir James Westland at that time considered himself to be quite helpless.

Now, Sir, the next stage in the history of this excise duty is that it went on until the year 1911 when a Resolution was moved by Mr. (now Sir) Maneckji Dadabhoy in the late Imperial Legislative Council. That Resolution was moved with the object of putting a stop to this excise duty. That Resolution was defeated; but it was distinctly remarked even by English publicists that, if the members of Government had been allowed to vote according to their conscience, that Resolution would have been carried by a majority. Next, Sir, comes the stage in 1916 when Sir Ibrahim Rahimtullah moved a similar Resolution. At that time both the Finance Member, Sir William Meyer, and Lord Hardinge, the Viceroy, made a



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kind of promise that the Members should refrain from pursuing that subject further, but they gave an assurance that as soon as the war was over and as soon as the financial condition permitted, this question would be taken up and the request of the people complied with. So much so, Sir, that Indian members, who were mill-owners themselves, like Sir Fazulbhai Currimbhoy, got up and asked Members not to pursue this question further. This is what Sir Fazulbhai Currimbhoy said then.

"We feel encouraged that the Government of India is with us in this matter and is fighting our cause with all the weight of its position and authority. I would not embarrass such a powerful and earnest champion with ill-timed controversy over this question. Government has the moral support of the whole country. Our Congresses and Industrial Conferences have repeatedly demanded the abolition of this Excise Duty—non-official members of this Council have before now echoed the feeling of the country. When the war ceases, there will be no lack of opportunity to express once again our united opinion on the subject should such an expression of opinion be found necessary. I accordingly hold that no good purpose will be served by agitating the point now."

That was, Sir, in 1916 and it is 1924 now and still we do not see any signs of improvement.

Well, Sir, it is said that "promises like pie crusts are made only to be broken." If this is the case in the present instance I have nothing more to say except that I had always thought that promises were made to be kept.

Now, Sir, there are cogent and palpable reasons why this excise duty should not remain. Government know those reasons and have admitted them. In the first place, the cotton industry of India works under a very great handicap. When an Indian mill is started, as compared with an English mill, in the first place the total debit of the Indian manufacturer stands close upon Rs. 70,000 yearly as against nil for the Lancashire manufacturer. Then, Sir, upon that you impose this excise duty of 3½ per cent., which totals another Rs. 1,50,000 per annum, swelling the debit of the Indian mill-owner to over Rs. 2½ lakhs recurrent annually. So the effect of retaining this excise duty is not only that you allow the competition that already exists very unfavourably against the Indian mills, but the unfavourable circumstance is enhanced by the imposition of the excise duty.

That is one consideration. Then there are various reasons which militate against this excise duty, namely, that in the first place it violates every principle of excise taxation. There is no other country in the world where a similar tax on any industry is imposed, unless such an industry is a State monopoly as the match trade in France and the manufacture of salt in this country. Besides, this duty is unfair and inequitable. It is against the latest declaration of Government in pursuance of the Fiscal Commission's recommendations to give protection to India.

Now, Sir, the two great objections raised against the abolition of this excise duty were summed up in the speech of Mr. Bell delivered last March when this debate was inaugurated. One is that a deficit of 2 crores would result, and it would be necessary to find those 2 crores. The reply to that is that it is very easy for Government to manipulate the finances in such a manner as to find these 2 crores. We are budgetting for 130 crores, of which, if you exclude railway finance estimated at 30 crores, there still remain 100 crores.

**Mr. President :** Order, order. The Honourable Member is embarking on a very large subject, and I think I had better warn him that his time

is drawing to a close. (*The Honourable Sir Basil Blackett* : "Hear, hear.")

**Mr. Harchandrai Vishindas** : Of course this would please the Honourable Sir Basil Blackett who shouts "Hear, hear", because he will not be able to reply to my arguments.

The other point made by Mr. Bell was that the hand-loom industry would be affected. That theory has been exploded by the Honourable Mr. Kasturbhai. As regards the 2 crores I said that that could be very easily adjusted. At any rate it is not a question which cannot be solved in course of time. I dare say if Government were good enough to abolish the excise duty, we could very easily come to some understanding. In the case of readjustments, there are sure to be some demands which are likely to lapse, as, for instance, the expenditure on new Delhi, which will shortly be done away with, and so on.

I will conclude now with only a short story lasting for one minute. There was a Professor in an Indian College who was lecturing his students on the immorality of any Government taxing the industries of its own country ; and he also said that it was the duty of every Government to protect its own industries. Then a student got up and said : "But your Government of India is acting entirely contrary to that." The Professor hung his head and simply said, "My dear fellow, politics should not be discussed in a class room".

**Mr. President** : It will simplify the debate if I indicate to Members the course the debate should take. Honourable Members will observe that the Resolution itself is strictly confined to the fiscal treatment of a particular industry ; therefore, practically, all Mr. Joshi's amendments are out of order, except parts of (b) which are a little difficult to disentangle from the rest.

The second half of Dr. Lohokare's amendment is also out of order. The part where it is proposed to reduce the excise duty is in order.

No. 3, Khan Bahadur Sarfaraz Hussain Khan's amendment proposes to make a small change in wording, substituting the word "immediate" for the word "early".

No. 4, Mr. K. C. Neogy's amendment, is of the greatest substance, because it proposes to omit the second half of the Resolution and therefore raises not exactly a negative but an alternative suggestion to the Resolution.

The next amendment by Khan Bahadur Sarfaraz Hussain Khan will be covered by the debate which will arise on Mr. Neogy's amendment.

The next will only arise if Mr. Neogy's amendment is defeated.

Mr. M. K. Acharya's amendment, proposing to raise the customs duty on imports by 5 per cent. all round is clearly out of order.

The same remarks apply to the amendments of Dr. H. S. Gour, Haji S. A. K. Jeelani and Seth Govind Das.

Honourable Members will realise that I cannot allow a debate arising out of a restricted Resolution of this kind to develop into a debate on the whole fiscal policy of the country, which would be the case if I admitted these amendments.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That all the words after the words 'Indian Fiscal Commission' be omitted."

[Mr. K. C. Neogy.]

The House will realise that this Resolution raises two distinct issues. The first is about the abolition of the cotton excise duty, the second is an inquiry into the present condition of the cotton industry so as to find out whether it deserves protection, apart from the abolition of the cotton excise duty. Well, so far as the first issue is concerned, Indian opinion is practically unanimous in support of it, and there may be Members of this House who are prepared to support the first issue but may hesitate to give their unstinted support to the second. In this view I think that it will be better, in the interests of the main question that we are now discussing to circumscribe the scope of the debate and leave the second portion of the Resolution to be debated on some further occasion. I will therefore request my Honourable friend, the Mover of this Resolution, to accept my amendment.

I recollect Mr. Bell trying to make out a strong case in favour of the retention of the excise duty on the ground that it acted as a protection to the hand-loom industry. I believe his has been the only speech so far that has pleaded in favour of the retention of this unjust impost. I was therefore very much interested to read a copy of a letter which our late colleague, Mr. Bell, in his capacity as Director of Industries, Bombay, has addressed to another former colleague of ours. Mr. Manmohan Das Ramji. The letter is dated Bombay the 2nd May, 1924, and there Mr. Bell points out that it was not his intention to support the retention of these duties on the ground that they acted as protective duties so far as the hand-loom industry was concerned. This is what he says :

“ I hope that my speech has not been interpreted as a suggestion that the 3½ per cent. duty should be retained as a protection of the hand-loom. I certainly hold no such view.”

This statement of Mr. Bell's clears the ground very considerably. Now, Sir, so far as the hand-loom industry manufactures from fine and imported yarn, I do not think my Honourable friend Sir Charles Innes will contend that these duties act as a protective duty to that industry. And coming as I do from Dacca, I am in a position to state that, so far as the finer kinds of cloth woven with the help of hand-looms are concerned, they will not at all be affected by the withdrawal of these duties. Then as regards the coarser kind of cloth, which are manufactured by hand-looms, I believe Bihar manufactures a very large quantity of coarser cloth with the help of hand-looms, and I am assured by my Honourable friend Mr. Gaya Prasad Singh that that industry in Bihar will not also be affected if these duties were removed. We must remember that the manufacturers of the coarser kinds of cloth use very largely Indian yarn, the surplus which the Indian mills cannot consume for their own purposes, and in that view of the matter it will be seen that if, as a result of the removal of these duties the cost of production of the Indian mill yarn is reduced, the hand-loom industry in India, in so far as it utilises the coarser Indian yarn, will also be greatly benefitted. I yield to none in my desire to see the hand-loom industry established as a large cottage industry throughout India, and therefore I submit that Government should give their earnest consideration to the recommendations of the Fiscal Commission with regard to giving some direct protection to this industry. My Honourable friend Mr. Kasturbhai Lalbhai has already pointed out that, when we come to the tariff schedule, we find that the duties that are at present levied on the parts of machines which are worked by manual or animal labour, which of course include all parts which

are used for hand-loom, are subject to a high duty of 15 per cent., whereas the parts of other machinery, including the power driven cotton mills, are subjected to the duty of  $2\frac{1}{2}$  per cent. only. I think it is up to the Government to reduce the duty on the parts of the hand-loom machines. Furthermore they should consider the question of the abolition of the import duty on yarn, and in that way they can help the hand-loom industry a great deal. Now, Sir, I am aware that the main argument on the Government side will be that we are not in a position to sacrifice this large revenue that is at present derived from the cotton excise duties. The argument comes to this, that although this impost was initiated for other than revenue purposes, and although the continuation of this impost cannot be justified on economic grounds, this has got to be continued because my Honourable friend Sir Basil Blackett cannot afford to do without it. I thought that my Honourable friend was very anxious to investigate the incidence of taxation in this country and to find out whether any particular impost weighed unusually heavily on the poorer classes, and it was with that view that he initiated the taxation inquiry, about which we had a discussion only very lately. I therefore hope that my Honourable friend, when he finds that Indian opinion is unanimous in condemning this impost as unjust and iniquitous, will find no difficulty in abolishing these duties altogether.

**The Honourable Sir Basil Blackett :** What is the substitute ?

**Mr. K. C. Neogy :** Substitute ? That is for you to find out, not for us. Well, I want to test this argument a little further. The Cotton Excise Act, in its all-pervading incidence, includes even that small, struggling industry, the cotton hosiery industry. I do not think my Honourable friend derives any very great revenue from that source, and yet what is the position ? There is a struggling cotton hosiery industry in Bengal at the present moment. I took some care to inquire into the history of this industry, and I find that in the year 1906 Bengal started this industry mainly for the purpose of manufacturing socks, but the industry died out in a few years. In 1915, taking advantage of the high prices during the war period, this industry revived and about 60 concerns sprang up in Bengal, out of which only 15 survive at present. The total capital invested in these concerns will not, I believe, exceed even 10 lakhs. Some of these are driven by power and some are worked by manual labour. We find that since 1922-23 the general tariff was raised from 11 per cent. to 15 per cent. and the tariff on cotton twists and yarn was raised to 5 per cent. from *nil*, with the result that this industry, which utilises imported yarn, as also imported cloth for the purposes of plaiting and other processes involved in the manufacture of under shirts and vests, has been handicapped to a very large extent. And on the top of that the cotton excise duty of  $3\frac{1}{2}$  per cent. was put on with effect from 1923-24. This is an instance of an unjustifiable system of double taxation, and what is the result ? We find that this industry is struggling hard to keep its head above water, but it cannot hold its own against the cheap imports from Japan. The competition is not at all with the British manufacturer because that is of a much better quality and commands a much higher price.

I find that in 1921 the total value of cotton hosiery imported into India was over 73 lakhs. In 1922 it was over 71 lakhs. In 1923 it

[Mr. K. C. Neogy.]

was over 96 lakhs ; but out of this large amount the United Kingdom contributed in 1921 only 7 lakhs ; in 1922, 2,78,000 ; in 1923, 3,64,000 ; and Japan came in for 48 lakhs in 1921 ; 56 lakhs in 1922 and 78 lakhs in 1923. So with the imposition of this duty with effect from 1923-24 Government are only making things much easier for the Japanese competition and are helping to kill this infant industry in Bengal. I should like to know what is the net amount that Government derive from this source of revenue. Now, Sir, while talking of our revenue position I find that our former colleague, Sir Jamsetjee Jejeebhoy, speaking at a Bombay meeting, observed as follows :

“ We shall be told by an agonised Finance Minister that the Government can ill spare a couple of crores and that he does not possess the purse of Fortunatus or the lamp of Alladin. If Sir Basil Blackett owes certain duties as keeper of the King's purse, he as member of the Indian Government owes other duties equally insistent to the people of this country. Even allowing in full for the paramount need of rupees, annas and pies, there would be a morality about a budget minus the excise duties which would be none the less an efficient budget, as it would swell the credit side of Government's prestige and save it from moral bankruptcy.”

I have no doubt that my Honourable friend cares for the moral aspect of his Budget quite as much as for the financial, and if I find my Honourable friend going into a different lobby than myself it will be because he has no option in this matter. And in this connection I may quote what Mr. Austen Chamberlain said to a Lancashire deputation :

“ You are not asking that you shall be preserved from a special disability imposed on you alone of British traders competing in India. You are asking that you shall have preserved to you a special position of privilege which has not been accorded to any other British trade. If to-morrow I gave the order that a counter-vailing duty be imposed, not only no Indian in the Legislative Council would vote for such measure, or abstain from voting against it, but no British official would vote for that measure, except as the result of instructions, because it was his duty and he was left no choice.”

If I find Government seriously contesting this Resolution I will conclude that they have no choice in the matter and that they have their instructions from abroad.

**The Honourable Sir Charles Innes** (Commerce Member) : Sir, for the second time this session it is my pleasant duty to congratulate the House on a change of heart—I believe that is the correct technical term. A few days ago I had the pleasure of complimenting my Honourable friend opposite on his changed outlook towards the late Legislative Assembly. To-day I have the pleasure of congratulating the House upon their changed outlook in regard to this economic question. I had always understood, Sir, that the flame of India's indignation against this cotton excise duty burnt very fiercely. Sir, in March last that flame had died very low. Now, fresh fuel has been added to the fire. I will not offer any explanation of the reasons. It may be the propaganda which has been carried on by the Bombay Millowners' Association or it may be another cause ; but whatever the cause I am delighted to see that this House is now prepared to settle down and consider this very important question.

Now, Sir, I do not propose to go into the past history of this thorny and vexed question. I do not think there is any reason why I should occupy your time or my own in doing this. The history of this question is stated in the fullest detail in the Indian Fiscal Commission's Report. It has been repeated by the Honourable Mover of this Resolution. It has

been repeated by Mr. Harchandrai Vishindas. Therefore, Sir, I do not think I need travel over the ground again. But there is one thing I should like to say and it is this. I say that there is no Britisher in India who does not regret that this tax was ever put on, and I say with confidence that that is the feeling of every one of us on this side of the House. Also, Sir, I should like to say that we on this side of the House recognise that there is a natural desire on the part of Indians that the Cotton Excise Duties Act should disappear from the face of the Statute-book. But, Sir, I must safeguard myself. I do not wish to be misunderstood. I regret very much that this tax was ever put on because I believe that the tax has done us great political harm ; but I am not prepared to go further and say that I believe that this tax has seriously harmed the Bombay cotton industry. Let me give the House some statistics. I am aware that the statistics are familiar to this House, but at the same time they are necessary for the purposes of my argument. Also, Sir, I could be sorry to disappoint my Honourable friend, the member for the Indian Merchants' Chamber, who I see is at once beginning to take notice. The excise duty was put on in 1896. Between 1896 and August 1923 the number of mills in India increased from 167 to 323. The capital increased from 13½ crores to 43 crores. The looms increased from 37,000 to 145,000 and spindles from less than 4 millions to approximately 8 millions. (*Mr. Jamnadas M. Mehta* : "It might have been more.") That, Sir, is a record of which any industry may be proud. I am quite well aware, Sir, that the Bombay Millowners' Association discount those figures. They say "it is perfectly true that this industry has progressed very much," but they go on to say "had it not been for this excise duty it might have progressed still further," and they ask us to compare with the progress of the industry in India the progress of the industry in Japan and China. Well, Sir, I shall have something to say about the progress of the industry later on. In the meantime what I say is this. This tax, this 3½ per cent. tax, is so small that I do not believe that it has hampered to any appreciable or material degree the progress of the industry. It might be different of course if the House were to say that had protection been put on earlier the industry would have progressed faster. That is quite possibly an arguable point. But the answer to that is this. The statistics that I have given you are proof positive that this industry did not require protection—and I think I am justified in saying that, until a few months ago, not even the Bombay Millowners ever asked for protection—that is certainly the evidence they gave before the Fiscal Commission. Moreover, Sir, the fact is this—unaided by protection and in spite of the slight handicap of this excise duty, this cotton mill industry in India has reached its present heights. It is the stronger and the better industry for having reached those heights without any aid from us. Protection, Sir, as the Bombay Millowners' Association themselves have said is a homœopathic medicine which should be taken in very small and discriminating doses. It is a bad thing in itself. It is a thing the use of which may be justified in certain circumstances.

Now, Sir, let me come to this Resolution. The first part of it argues that we should take early steps to abolish the cotton excise duty. The second part argues that there should be an examination of the need for protecting the industry. That is one elementary fact that I wish to point out, that is, that if the first part of the Resolution is accepted, namely, an early abolition of the excise duty, the immediate effect of it will be that

[Sir Charles Innes.]

you will increase the protection now enjoyed by the cotton mill industry from  $7\frac{1}{2}$  per cent. to 11 per cent ; and that possibly is the reason why the Honourable Mover of this Resolution will have no difficulty in accepting the amendment moved by my Honourable friend, Mr. Neogy ; that is to say, the Bombay millowners and the other millowners in India will certainly raise no objection if this House increases the protection they now enjoy from  $7\frac{1}{2}$  per cent. to 11 per cent. But, Sir, that was not the intention of the Indian Fiscal Commission when they proposed that the claims of this industry to protection should be examined by the Indian Tariff Board. What they suggested was that we should wipe the slate—I believe that we owe that phrase to my Honourable friend opposite—and abolish the cotton excise duty. They recognised that that would involve a sacrifice of something like Rs. 2 crores ; and therefore they suggested that after having wiped the slate we should refer the whole matter to the Tariff Board for examination, so that the Tariff Board might decide how much protection this industry required, and they then went on to say :

“ If the rate of duty thus determined is sufficient to meet the revenue necessities of the country no question of an excise duty will arise. If on the other hand the Government hold that their revenue requirements make it obligatory to levy taxation on cotton cloth in excess of this amount, it will be necessary for them to formulate proposals in accordance with the principles we have explained and to lay those proposals before the Legislature. That body will then be in a position to decide the real point at issue.”

They went on to say that they had the fullest confidence in the Legislative Assembly. If we required more revenue then the protective duty would give it to us ; they led us to understand that the Legislative Assembly would make no difficulty about restoring the excise duty. Well, Sir, that was the very attractive programme drawn up by the Indian Fiscal Commission. But we all know, Sir, that the roseate hues of early dawn fade soon away. Those roseate hues faded away when the last Legislative Assembly passed out of existence. Now, Sir, the storm clouds have come over and we have got another Legislative Assembly ; we have got a new race in this Assembly which knows not Joseph—I mean of course the stalwarts of the late lamented Democratic Party. If my Honourable friend opposite will not mind my saying so, this Legislative Assembly is not exactly distinguished for meeting the proposals of the Government in a spirit of co-operation and sweet reasonableness. That programme therefore of the Indian Fiscal Commission has passed into the *ewigkeit*—or at any rate out of the realms of practical politics. But I propose to examine this claim for protection on the part of the Bombay Millowners' Association. I do so for various reasons ; and one of them is this. The Bombay Millowners' Association in a published representation to the Government of India have made a formal application to us for protection. Now, Sir, if I may say so, I have the very highest respect for the Bombay Millowners' Association. They are a body of business men who stick almost entirely to their business, and if they do venture into politics, they generally do it purely for a business end. (Laughter.) Any representation which the Commerce Department of the Government of India get from the Bombay Millowners' Association requires the most careful consideration. Consequently, Sir, at the beginning of April, when by a surprising chance I had four days to myself, I devoted those four days to as careful a study as I could make of the claim for protection by the Bombay Millowners' Association and I propose, if the House will indulge

me so far, to let them have the results of my examination. I am afraid it will mean the House following me into some rather dull figures ; but this matter is a very important one, and I hope the House will listen carefully to what I have got to say. As the House knows the present position is this. The mill industry in India has a protection of 5 per cent. in yarn and  $7\frac{1}{2}$  per cent. in cloth. Now, Sir, I propose to take yarn first.

I have here statistics of the amount of yarn available for consumption in India in the three years ending 1914-15 and again in the year 1923-24, and I beg the House to remember that the year 1923-24 was a bad year for the Bombay millowners at any rate because they lost two months' work owing to a strike. I have calculated the amount of yarn available for consumption in India by deducting exports from production and re-exports from imports. The results are as follows : on an average of the three years ending 1914-15 the total amount of yarn available for consumption in India was 541 million lbs. Of that amount Indian production supplied 92 per cent.—imports only 8 per cent. In 1923-24 the total amount of yarn available for consumption in India was 613 million lbs. and of that amount Indian production supplied 93 per cent. and imports only 7 per cent.

Now, Sir, however high a tariff wall you may have you will never stop imports altogether. I put it to the House that when you have got your local mill industry supplying 93 per cent of the yarn used in this country it cannot be pretended that there is any very strong case for protection. (*An Honourable Member* : "What year, will you kindly say ?") The average for the three years ending 1914-15 and the year 1923-24—those are the years that I have selected for comparison.

**Mr. Kasturbhai Lalbhai** : May I ask the Honourable Member whether the Bombay Millowners' Association have asked for protection in the case of yarn ? They have not.

**The Honourable Sir Charles Innes** : They have asked for protection of the industry. But I wish to carry this matter a little further ; it may be that taking the question broad and large there is no case for protection in the case of yarn. But I want to carry it a little further into the different counts. Between counts 1 and 20 Indian mills have matters practically all their own way. In the last few years there is one noticeable feature of the position, and that is that Japan has been sending us a certain amount of yarn of counts between 16's and 20's. This import from Japan began in 1918-19 and in 1923-24 amounted to 12 million lbs. I admit at once that we in the Commerce Department have got to watch that. As I say it is quite of recent growth, this trade in 16's and 20's, and it has now reached 12 million lbs. and we have got to watch it. But the point to notice is that in these counts, 16's and 20's, the Indian mills produced 217 million lbs. and so there again you cannot say that there is any need for protection there. As regards 21's to 30's the position is exactly the same. Indian mills produced in 1922-23 209 million pounds. Imports were only 5 million pounds. It is between 30's and 40's that the Indian production and foreign production begin to compete and of course beyond 40's most of the yarn used in India is imported yarn. But the millowners themselves, as Mr. Kasturbhai Lalbhai very properly pointed out, at any rate in their evidence before the Indian Fiscal Commission, did not ask for any protection in yarn. On the contrary they rather objected to the imposition of any import duty on yarn on the ground that it might handicap



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the hand-loom industry. It was put to them that they had to meet competition above 30's, but they definitely went on to say that that was a question for the future and that as regards present Indian mills, many of them were not organised to produce counts of yarn above 30's.

Now, Sir, let me pass on to piece-goods. I have got some statistics here which I think will interest the House. In the three years ending 1914-15, the Indian mill production in piece-goods averaged 1,173 million yards. In the same period imports averaged 2,855 million yards. In 1923-24, the Indian mill production had risen to 1,700 million yards and the import had dropped to 1,466 million yards. That is to say the Indian mill production had increased by 45 per cent., and imports had decreased by 49 per cent. Again, taking the amount of piece-goods available for the Indian market, that is to say, the Indian mill production less exports *plus* imports less re-exports, on an average of the three years I have mentioned local production supplied 28 per cent. and imports 72 per cent. In 1923-24, the position was reversed. The local production supplied 52 per cent. and imports supplied 48 per cent. Now, I should like to include in these figures hand-loom production. Here, of course, we get more or less on to estimates, but it is comparatively easy to make a fairly reliable estimate of hand-loom production, if we proceed upon the assumption that one pound of yarn is equivalent to 4 yards of cloth—that is the basis adopted by Mr. Couborough. Now, we know the total amount of yarn available for consumption in India. If we convert that to cloth at one pound of yarn to four yards of cloth, and deduct from the total the known production of the mills, the balance represents hand-loom production. Now, taking the periods that I have been using, in the three years ending 1914-15, the total amount of cloth available for consumption in India was 4,917 million yards. The hand-loom production was 20 per cent. of that ; Indian mills provided 22 per cent., and imports contributed 57 per cent. In 1923-24, the total amount available for consumption in India dropped to 3,711 million yards, and this is a very significant fact to which I shall have to refer. Hand-loom production contributed 20 per cent., Indian mills 41 per cent. and imports 38 per cent.

That is to say, local production—mills *plus* hand-loom contributed about 62 per cent. of the total amount of cloth available for consumption in India. Now, I would like to summarise these facts.

As regards yarn, the Indian mills supply 93 per cent. of the yarn consumed in India, Japan is sending a relatively small amount of the coarser counts and these imports require watching ; but it is absurd to say that any general measure of protection is required. The imports come mainly from the United Kingdom and are of the finer counts. The mill-owners themselves pointed this out in their evidence before the Fiscal Commission and, so far from asking for any protection, rather objected to the imposition of a duty on yarn.

As regards cloth, the Indian mill production has increased by 45 per cent. since 1914-15, imports have decreased by 49 per cent., and Indian production now accounts for 62 per cent. of the total consumption.

As between Indian mills and imports, the proportion is now 52 per cent. for the former and 48 per cent. for the latter. But here, again,—and this is a point I wish to bring out—the position is very much the same as in respect of yarn. The imports come mainly from the United

Kingdom and these imports are of the finer qualities of cloth, in which the Indian mills do not ordinarily compete. This fact has been admitted several times ; it was admitted by Sir Vithaldas Thackersey in this House, and in his evidence before the Fiscal Commission, and it was admitted by the millowners themselves in that evidence. They said in their memorandum presented to the Indian Fiscal Commission :

“ From the preceding paragraphs it will be observed that India's chief competitors, both in the home market and elsewhere, are Japan and the United States of America.”

The fact of the matter is that, as between Lancashire and Indian mills, the field of competition is very small. Each has its own sphere. The spheres overlap to a small extent, but the field in which they compete is small. The main competition—and I think I am correct in saying that it is the competition that the mill industry in India fears most—is competition from Japan. The United States of America have practically dropped out and the only serious competition which we get in piece-goods, in the class of goods which the Indian mills ordinarily make, comes from Japan. Now, in 1923-24, the Indian mills supplied for consumption in India 1,535 million yards of cloth. Japan sent 121 million yards. Thus, as between Indian mills and Japan, the former supplied 93 per cent. of the consumption in India and Japan less than 7 per cent. That is why I say the position in regard to piece-goods is practically the same as in regard to yarn. In those classes of goods which the Indian mills produce, they have practically captured the whole of the Indian market. And it is only in those classes of goods that the mill industry in India has what is known in economic language as a comparative advantage. Therefore, Sir, it is difficult to say that even a *prima facie* case has been made out for protection for the mill industry in India. I have admitted that the matter requires watching in certain aspects and you may depend upon it that we shall watch it very very carefully. And I wish to safeguard myself in regard to one point. I reserve judgment as regards “ hosiery ”. Mr. Neogy devoted a lot of time to hosiery and I should like to tell him that we have that portion of the case under examination at the present moment. There is another point I have got to make. The House must understand that whether they accept Mr. Neogy's motion or whether they do not, I reserve the right in the event of this cotton excise being taken off or even earlier if necessary, to ask the Tariff Board to examine the whole of this case. Because you have got to remember this. The proper thing to do is not merely to take off the cotton excise duty but also to reduce the import duty. That is the only way in which you can bring any benefit to the consumer in India. And therefore that is a case which may require examination by the Tariff Board, whether in the event of the cotton excise duty being taken off, the import duty should be reduced, and whether, in any branches of the cotton trade, hosiery, particular counts, and so on, the industry requires protection. I may say that when the millowners gave their evidence before the Fiscal Commission, the only things for which they asked for protection were hosiery, cotton blankets, and calico printing. And they said that, as regards the last two—cotton blankets and calico printing—their request was a contingent one—contingent on the progress of the trade. Now, Sir, let me come to the cotton excise duty. In the public representation made the Bombay millowners say that Lord Hardinge publicly pledged himself to the necessity of the abolition of the cotton duties at the earliest possible date. That, Sir, is not a correct quotation. The matter is so important that I have brought an extract from the speech of Lord Hardinge in order

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to let the House know exactly what the assurance was. The exact words are :

“ The excise duty should for the present remain at its actual figure and an assurance given that it would be abolished as soon as financial considerations permit.”

There is some difference between “ at the earliest possible date ” and “ as soon as financial considerations permit ”. Now, Sir, the Government of India are always being accused of finding some argument to justify the retention of the duty. The suspicion is always voiced that we are retaining this duty in the interests of Lancashire. I hope I have exploded that latter feeling by the figures I have just given. I have pointed out that there is practically very little competition between Lancashire and India either in the matter of yarn or in the matter of cloth. Mr. Kasturbhai Lalbhai said that official memory in the redemption of pledges is apt to be short. Mr. Harchandrai Vishindas said that the Government of India apparently regarded promises as—(A Voice : “ Scraps of paper.”)—pie crusts made only to be broken. Well, Sir, I deny these statements absolutely. The fiscal history of the last few years shows how absolutely untrue these charges are. In the first place, the import duty was raised to 7½ per cent. in 1917 and to 11 per cent. in 1921 while the excise duty remained at 3½ per cent. That does not look as if we favour Lancashire, does it ? Again, the House knows perfectly well that the period that has elapsed since Lord Hardinge gave that pledge has been almost uniformly a period of deficit budgets. Sir Basil Blackett, speaking in this House in his first budget speech in 1923, pointed out that for five successive years the Indian Budget had been in deficit, and that the accumulated total of these deficits was no less than 100 crores. Now, Sir, that period of deficit budgets in the Government of India coincided with a period of absolutely phenomenal prosperity for the mill industry in India. I have got the figures here.

Mr. Kasturbhai Lalbhai : What about Sir Malcolm Hailey's statement in 1922 ?

The Honourable Sir Charles Innes : I will come to that later. Between 1905 and 1914 (this is Mr. J. A. Wadia's statement) both years inclusive, the mill industry paid an average dividend of 10½ per cent. on an average capital of 6½ crores. In 1915 to 1922 both years inclusive they paid an average dividend of 53 per cent. on an average capital of 12½ crores, and they paid away in the 8 years ending 1922 a sum of over 50 crores in dividends.

Mr. Kasturbhai Lalbhai : May I know what the jute mills paid out in Calcutta ?

The Honourable Sir Charles Innes : That has nothing to do with the question of cotton mills, Sir.

Thus, Sir, on the one hand, there were large deficits in the Government of India and on the other hand you have the mill industry undergoing a period of absolutely phenomenal prosperity. Would it have been reasonable for the Government of India to say in those circumstances : “ Now the time has come to fulfil Lord Hardinge's pledge. Our financial circumstances now admit of our taking off this tax ” ? If we had ventured to put that ridiculous proposal to the Indian Legislative Assembly, would the Legislative Assembly have considered it for a moment ? Of course

they would not ; and what is more, they did not. In 1922 the whole question of cotton excise duty was open for discussion in this House. My Honourable friends opposite might have proposed that that cotton duty should be taken off, and had they carried that proposal, we would have been in great difficulties. But we could not stop them carrying that proposal. Sir, what happened ? Not a single non-official Member of this House ever suggested that that cotton duty should be taken off in spite of the fact that it was open to them to do so. Mr. Harchandrai Vishindas has been talking about our pledges being pie crusts, but he never thought of doing so. Sir Vithaldas Thackersey never thought of doing so ; Mr. Manmohandas Ranji never thought of doing so, and I claim, Sir, that in not taking off this duty up to this date, we have behind us the full support of the Indian Legislative Assembly.

**Sir Purshotamdas Thakurdas :** That is rather a good turn to it !

**The Honourable Sir Charles Innes :** There has been reference to a pledge, Sir. I know the Indian politician dearly loves to hasten a pledge upon the Government of India. The other day, Sir, I had a very good example of this. I said that we required certain powers in reserve but that we had no intention of making use of them at present. An Honourable Member opposite, Sir, missed out all about the necessity of keeping those powers in reserve but read out what I said about having no present intention of using those powers and then said that the Government of India had pledged themselves that they would not use those powers. And when I said that I had not given any such pledge, he said that my promises were not worth much.

**Mr. Jamnadas M. Mehta :** That is not what I said.

**The Honourable Sir Charles Innes :** Well, Sir, this pledge of Lord Hardinge of course stands on an entirely different footing. It was a definite assurance. He said that when financial circumstances permitted this duty would be taken off, and naturally the Government of India must honour a pledge of that kind. But I beg the House to observe that since that pledge was made, circumstances have changed in two material respects. The first respect is that it is no longer within the power of the Executive Government to take off a duty. It requires the assent of this House and also of the Council of State. Secondly, since Lord Hardinge spoke, another question has come into prominence, namely, the question of provincial contributions, and I believe, Sir, that my Honourable Colleague on my right has said more than once that the finances of the Government of India will be ordered towards the reduction of these provincial contributions. Thus, when the day of a permanent disposable surplus arises, what will happen is this, the Government of India and this Legislature will have to decide between whether this disposable surplus should be devoted to the abolition of the cotton excise or to the reduction of provincial contributions.

**Sir Purshotamdas Thakurdas :** Not to reduction of import duties on piece-goods !!!

**The Honourable Sir Charles Innes :** I do not propose to attempt to-day to decide that issue. I am getting too old a hand in this Assembly—(Laughter)—to commit myself or the Government to anything until the need arises. Otherwise, Sir, my Honourable friend Mr. Jamnadas Mehta will read out what I have said and read into it what I did not say. So, I propose to be very careful. I am not going to prophesy. I am not going

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to say when my Honourable Colleague on my right will have this permanent disposable surplus, and therefore, Sir, I propose merely to balance the considerations which this House will have to weigh when the issue comes to be decided.

**Diwan Bahadur T. Rangachariar :** Not now ?

**The Honourable Sir Charles Innes :** I first put the case of the mill-owners as I see it. As I said just now, the Millowners' Association and the cotton mills generally have a strict eye to business. This is a very important matter to them because it means money, it means  $1\frac{1}{2}$  crores of rupees into the bargain. (*A Voice* : " Into their own pockets ? ") Yes, into their pocket and the pocket of their shareholders, and being business men they put in the forefront of their case their strongest argument, in fact, I was nearly going to say, their only strong argument. That is to say, they make this appeal to political sentiment and political feeling. I do not wish for a moment to depreciate in any way the strength of political sentiment or the importance which should be attached to it in a matter of this kind. But I do wish to point out that to some extent at any rate this grievance, which I admit to be a real grievance, has lost some of its force in recent years. When there was a  $3\frac{1}{2}$  per cent. duty on imports and an equivalent excise duty undoubtedly the mill industry in India had a very real grievance. When it was a 5 per cent. import duty and  $3\frac{1}{2}$  per cent. excise duty, undoubtedly they had a grievance, but that material grievance has been diminishing and now the House has got to remember that there is a gap of  $7\frac{1}{2}$  per cent. between the excise duty and the import duty, and I think that even the millowners themselves will admit that they do not want more protection than  $7\frac{1}{2}$  per cent. I notice, Sir, that the millowners and their representatives in this House are apt to concentrate mainly on that ground just like Mr. Harchandrai Vishindas who devoted a great portion of his speech to the history of this question. I notice that these gentlemen are apt to shy off the economic grounds because they realise that they are on weak ground really. (*Mr. Kasturbhai Lalbhai* : " Not a bit.") Mr. Kasturbhai referred to a statement made by Sir Malcolm Hailey in this House. When we read that speech we find that that begins in the following way. He pointed out that the days are past when members of Government come down to the House and read out a carefully prepared and reasoned statement and that he was going to make some impromptu observations. Sir Malcolm Hailey was arguing in favour of a 4 per cent. increase in the excise duty and he did make that statement. But, Sir, I think my Honourable friend opposite has forgotten that since Sir Malcolm Hailey made those statements we have had a really authoritative exposition of the whole subject in the Fiscal Commission's Report. Theoretically the excise duty is sound enough. I would refer Honourable Members to paragraph 145 of the Report, page 84. What you have got to remember is this :

" In India, although about two-thirds of the cotton cloth consumed is locally produced, the imports are the main factor determining prices. This fact has been clearly brought out by Mr. A. C. Couborough in the tables and graphs appended to his Notes on the Indian Piece-Goods Trade. In the case of this commodity, therefore, the excise duty falls on the producer who is, however, able to meet it from the enhanced price that he obtains for his goods owing to the duty on imported cloth."

If the House will apply the financial canon quoted in paragraph 145 of the report, that is, the canon laid down by Adam Smith that " every tax

ought to be so contrived as to take out and keep out of the pockets of the people as little as possible over and above what it brings into the public treasury of the State," you will find that there is a very strong theoretical justification for the tax and it is this. If you take off this tax to-morrow you will not reduce the price of piece-goods by one anna. The price of piece-goods will still continue to be determined by the import price, and the only result will be that the cotton excise duty will still be paid by the consumer in India but it will be paid to the millowners and the shareholders and will not be paid to my Honourable friend, Sir Basil Blackett. That is the difficulty that the House is going to be in when it comes to decide this question.

**Mr. Kasturbhai Lalbhai :** Will you kindly give the table prepared by Mr. Couborough showing what is the difference between the price of imported piece-goods and the price of piece-goods produced by the Indian mills ?

**The Honourable Sir Charles Innes :** I think that the Honourable Member has a right of reply later. I am aware that the Indian millowners and their friends in this House make statements that if the excise duty is taken off they will be able to reduce the price to the consumer. For instance, at this public meeting to which Mr. Harchandrai Vishindas referred, Sir Jamsetjee Jejeebhoy stated :

" Had there been no Excise, the Indian millowner would not have been put to the necessity of tacking this item on to his cost sheet and recovering it from the consumer, and in times of depression and high prices he would have been able to cheapen his cost by  $3\frac{1}{2}$  per cent. to the benefit of his poor client."

Well, Sir, I have had a lot to do with business men in my life, and I may say that I have received the greatest assistance from the business men in India, both Indian and European. Throughout my time as Commerce Member they have been my guides, philosophers and friends. At the same time I must say that when you are discussing with a business man a matter of business in which there is money going, well, I have learnt by experience to look after myself very closely indeed, and when, Sir, the Indian millowners and Mr. Kasturbhai tell me that if this duty were taken off, the millowners would promptly in a fit of generosity and justice reduce the price to the consumer, I take leave to disbelieve them. Statements of that kind must be received with a very strong pinch of salt. Let me prove that fact. I have devoted a great deal of time to this matter. I fear I have exhausted my time and I am afraid I cannot go into it in great detail but, Sir, in 1913-14 there were very heavy imports of cloth into India and when we began the war we had very heavy stocks in this country. The price of cotton was low, the price of cloth was low and it remained low till 1915-16. In 1916-17 the imports began to fall off, the price of cotton began to rise, the price of cloth began to rise faster. As time went on, the millowners got the position more and more under control. The imports fell more and more away. The price of cotton rose fast, the price of cloth rose very much faster still. The high water mark of mill prosperity was reached in 1920-21 and 1921-22. The imports were still small and the price of raw cotton averaged between 388 and 411 per candy, only a little over 30 per cent. above the price of raw cotton in 1913-14. But, Sir, the price of longcloth in 1913-14 was 10 annas and 3 pies a lb., and of *chaddars* ten annas per yard. In 1921-22 the price of longcloth was Rs. 1-13-4, or nearly three times the price of it in 1913-14. (*Mr. Kasturbhai Lalbhai :* " What was the price of cotton ?") It was 30 per cent. above the price in 1913-14, and the

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price of cloth was three times, and that gives you some measure (*Mr. Kasturbhai Lalbhai* : " I challenge that statement ") of the profits made by the mill industry in those years. Now, Sir, I brought out these figures so that the House may be under no misapprehensions about the statement of *Mr. Kasturbhai Lalbhai* and of the millowners generally that if you take off this cotton excise duty the price of cloth will go down. It will not, because it is not business and it would not be right that it should. I have no sentiment in this matter at all. The millowners are perfectly entitled to sell their cloth at the market price and their shareholders would call them to account if they did not. You cannot introduce sentiment into business. That does not alter the fact that if you take off this cotton excise duty and do not reduce the import duty, the excise duty will be paid all the same, but it will be paid to the millowners and not to the Government. I will not touch on this point any further. The other question which will have to be considered, is whether or not this House is going to bring about a reduction in the provincial contributions. We have been told recently in committees and elsewhere that diarchy is dead. I express no opinion on that point at all. But, Sir, if diarchy is dead, I hold myself that one reason why it is dead is that the Ministers had never had a fair chance. And why did they not have it ? Because they have never had any money to burn. It will be for the House to decide whether they should utilise the permanently disposable surplus whenever it occurs in reducing these provincial contributions in order that Ministers in the provinces may have money to spend on education, sanitation and the like or whether we should utilise this surplus in removing what I know is a grievance on which this House and India generally feels strongly, namely, the removal of these cotton excise duties. That, Sir, is the issue which will have to be decided when *Sir Basil Blackett* is able to say that he has this permanently disposable surplus.

**Diwan Bahadur T. Rangachariar.** : I am unwilling to interrupt my Honourable friend. Is that the only alternative ? Can you not put a super-tax on the profits of companies ?

**Mr. President** : The Honourable Member has invited the Honourable the Commerce Member to trench on ground which is out of order.

**The Honourable Sir Charles Innes** : I have tried to state my case as fairly as I can and I have also refrained definitely from offering any opinion one way or the other, but I regret very much that I cannot accept this Resolution in its present form, because it goes beyond the pledge we gave. The pledge was that this duty will be taken off as soon as financial circumstances permit and I do not think it is right for this House to say that we should take it off now. The question is one that will have to be decided when financial considerations permit

**Sir Purshotamdas Thakurdas** (Indian Merchants Chamber, Indian Commerce) : Sir, the House may have anticipated I rise to support cordially the Resolution that is before the House and also the amendment moved by *Mr. Neogy*. The Honourable the Commerce Member for once at any rate has spoken with approval of some Bombay merchants who attend to their business and do not mix themselves up in politics except when politics affects their business. May I, Sir, point out to the Honourable the Commerce Member, or rather remind him of those good old days

when the Bombay business men did not at all take part in politics and may I ask him to bring to his mind the result of that ? The result has been that commerce in British India is so much mixed up with politics and with such steps as the Government of India do take, not because the steps are good either for the commerce or industry of this country but because they are good for commerce and industry somewhere else. That opened the mind and the eyes of the Indian commercial community to the great necessity of men in commerce and industry taking part in politics and taking part in legislative assemblies like this. Sir, no better example of that can be cited than the one that is before the House. It is well known and it is admitted that as far as the Union Jack is concerned, it has always followed British commerce and British trade. In fact the East India Company which laid the foundations of British supremacy in India started in India, Sir, on commerce and on industry. But perhaps still better example as to why Indians in commerce and industry should take part in politics is given in a note by an *ex-Colleague* of my Honourable friend over there, the Honourable Mr. W. Stokes, who, writing in a minute on 13th March 1879, said as under :

“ The proposed exemption of cotton if made by a mere executive order will resemble what lawyers call a fraud on the power ; and there is, unfortunately, no Court of Equity to relieve the people of India against it.”

It is, Sir, this Court of Equity, the want of which men in business in India have felt acutely, that has made me take cognizance of all the political factors which may underlie any proposition. And I do not think that it is any humiliation or shame to admit that whilst I think commercially and whilst I devote myself to commerce and industry, I feel that I should be failing in my duty to my country if I did not take cognizance of the political factors which go side by side with commerce and industry and which must either develop it or tend to put it down. (Hear, hear.) I appeal to this House to-day as the Court of Equity which Mr. W. Stokes said in 1879 was absent for India: I plead before this House not in the interests of rupees, annas and pies; I plead before this House in the interests of justice for India and in the interests of the fair name of India and, if I may add with the permission of my friends opposite, in the interests of the dignity of the Government of India. It will be a long time still before we can call this Government the Indian Government. It still is the Government of India. But I am sure His Excellency Lord Reading and my friends opposite still retain their sense of self-respect, and that they will not hesitate to say the excise duty must go first and we will side by side with our House look after the financial part as regards a substitute if required for financial purposes. I repeat what I said before the Fiscal Commission, clean the slate: take off the existing duty which was put on at the dictation of Lancashire, the most selfish and wicked step ever taken by any Government, even by the British Government. That must disappear from Indian financial statements, and then we will talk as to how to replace it. I expected that the Honourable the Commerce Member would have said that the Government of India are quite prepared to agree that this should go; and then the House might have said “ All right, if the Honourable the Finance Member wants a substitute for it, we will consider it in a committee”. (A Voice : “ Now the question should be put.”) (Laughter.)

Sir, the Honourable the Commerce Member referred all the time to the millowners of Bombay and the cotton mills of Bombay. I am sure he could not have meant it, but I think I would like to complete the full



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names of the interests involved in this. It is the cotton spinning and weaving industry of India which includes not only Bombay mills but also those of Cawnpore, where I have not heard that a single Indian owns a cotton mill. It includes cotton mills in Madras and cotton mills in Calcutta. I think a good deal of prejudice which should have been avoided is being created by referring to the Bombay millowner who is alleged to be greedy and all the rest of it. I do not think there is any idea of giving this relief only to mills in Bombay and Ahmedabad from which latter place my Honourable friend on my left hails. It is, therefore, only fair to say that the whole question refers to cotton mills all over India, a very respectable part of which is to-day owned by Britishers also. But unfortunately Bombay many a time has got to do the spade work, and I assure the Honourable the Commerce Member that whether the millowner in Cawnpore and Madras joins the millowner in Bombay or not, the millowner in Bombay is determined upon not giving any rest to the Government of India until this obnoxious duty is off the Statute-book.

Sir, there is a very dismal and a very sad history behind this cotton excise duty, which I am very glad the Honourable the Commerce Member has made it unnecessary for me to dwell upon, by saying that every Britisher in India now recognises that the duty was bad and unjustly levied. I only wish he had said that every Britisher in India is anxious that this duty should be removed as early as possible. To that extent I call the remarks of my Honourable the Commerce Member very disappointing even at this very late hour, Sir. The Honourable the Commerce Member referred to protection for the cotton industry. Where does the question of protection come in? How can the Honourable the Commerce Member talk of protection to the cotton industry when that industry is still groaning under the very obnoxious burden placed by this duty, which is unjust and inequitable, wicked, and all the rest of the adjectives that you can apply to it. We want no protection yet. We first want relief from this duty which was put on us not because the Government of India approved of it, but against the Government of India at the dictation of somebody else. I do not think the cotton mill industry want any protection until they are given what is their due and just relief. Sir, the Commerce Member also quoted figures, telling the House that they were very dry and difficult to be followed and still trying to make out a case that since the war broke out, the product of Indian mills has gone up and that imports have been reduced. I really wonder what is the inference that the Honourable the Commerce Member wants to be drawn from that statement. Do I understand him to say or imply that those figures show that the Indian cotton industry is in an ideal position? Surely if we have multiplied our mills, our spindles, and our looms from what they were before 1914, is that a thing which the Government of India look up to with any jealousy or with any disapproval? How much leeway has to be made up before India can supply all the demand in India for piece-goods, and if there is that leeway to be made up, is the Honourable the Commerce Member justified in complaining that despite this handicap of the excise duty, and despite the Government of India giving no encouragement to the Indian industry that the men engaged in the cotton industry have stood on their own and have built up the trade as they have? But, Sir, their progress does not remove their claim before this House to insist

upon what is due to them, for freedom from a tax which was wicked in its inception and which is wicked in its continuation.

Now, Sir, we have again got in this matter another of those tactics --and I use the word without meaning anything objectionable about it-- that we have seen used by the Government benches when such questions come up. The Honourable Member wound up, or very nearly wound up, his case by saying that when the Honourable the Finance Member is able to spare the money, he will put the subject before the House to decide whether they want the excise duty off or provincial contributions off. What connection, Sir, is there between the two? And may I ask if the House is prepared even to tolerate the idea of touching this tainted money of cotton excise duty? (Laughter.) It is tainted money--tainted without the least doubt--in spite of the Honourable the Commerce Member laughing it out, money which comes from the dishonour of the people of India and the dishonour of the Government of India, money which comes in spite of the Government of India saying to the Secretary of State "We will not have this money". Look at the speeches which are printed very profusely in this book. There is not the least doubt about it, and I am really surprised at any Member on the opposite bench saying that he would recommend to the House to barter between what is the just due of Madras, the Punjab and Calcutta and this wicked duty the immediate removal of which is the just due of the whole nation, of the people of India as a whole irrespective of provinces or irrespective of any other differentiation. But, Sir, is it not also this that this House should insist on the provincial contributions and remissions which can be done owing to the retrenchments which have been made and which should continue to be made? The other question stands quite apart. Here, I come, Sir, to another very dismal aspect of the financial part of the British Government in India. Sir, the liquor excise was put on in order to check consumption of liquor. The cotton excise is put on owing to dictation from Lancashire. Naturally, these duties go on increasing as population increases and as other factors contribute towards them. When Mahatma Gandhi says--and there has been agitation for it for years now--that consumption of liquor should be put down, we are asked to replace the revenue from it. We want to assert the claims of the people now that we have got this Assembly which is responsible to the tax-payer. I would like to point out to my friends opposite with regard to the financial part of the question that it is no use the Honourable the Commerce Member trying to set off Madras and Bengal against what he thinks is the interest of Bombay alone. But I may assure him that it is not Bombay alone. It is the whole of India. Does he expect us to fight for the removal of the excise duty amongst ourselves? Let me warn the Honourable the Commerce Member that we will not fight in that matter. I am sure Honourable Members on both sides of the House, both from Bengal, Bombay and the Punjab will say with one voice that this obnoxious duty must go first. And, then, if the Honourable the Finance Member says that he still wants money, I assure him that we will sit down and consider what methods can be devised in order to get the money. But we shall not retain this duty for the miserable rupees, annas and pies, which it brings into the Indian treasury and which, I repeat, is tainted money.

**Pandit Shamlal Nehru** (Meerut Division: Non-Muhammadan Rural): May I suggest, Sir, whether extra money can be had by increasing the duty on imported cloth?

**Sir Purshotamdas Thakurdas :** Sir, the Honourable Mr. Neogy thought that the Government would not think of their prestige and would look at this question from the only aspect that the people of India can look at it, namely, the aspect of the national honour and, I repeat, the honour of the Government of India. But the speech delivered by the Honourable Member opposite, who presides so ably over the portfolio of Commerce and Industry, does not give one much hope that the Honourable Member himself proposes to look at it from that very correct and the only reasonable point of view which the people of India demand. I am afraid, Sir, the insistence on prestige may be asserted the wrong way. The fine sentiment of prestige may be worked in a wrong way if Government think that they imposed this duty on India in spite of their shrieks and in spite of the agitation in 1896 and they now propose to keep it there in spite of anything that may be urged, and that on one excuse or another against its removal. Sir, if this House claims to be the representative of the tax-payer and claims to be the protector of what is just and due to India, I submit that it can give only one verdict which will be that this duty must go first, that the duty cannot be considered on any other consideration and that those other considerations which any Honourable Member opposite may have to urge will be considered on their own merits when that duty is off our Statute-book.

I wish, Sir, to add one word regarding what my Honourable friend opposite thought fit to charge my Honourable friend representing the Ahmedabad Millowners here in connection with the greed of the cotton millowners. I wish to put to the Honourable the Commerce Member a very straight and direct question. Will the Honourable Member, when he gets up to reply, tell this House quite frankly how many merchants and how many industrialists during the war period have been found to be profiteering as badly, or at least equally, as the cotton millowners? The cotton millowners are not angels and they have never claimed to be angels. They are as human as anybody else. And, if anybody has taken them to be angels, he must be a very great simpleton.

The question is, will the Honourable the Commerce Member tell the House how many profiteers there are engaged in industries in India? I would remind him of one that I wrote to the papers about. Will he tell us how badly the jute millowners of Calcutta profited during the war period? The jute millowners bought their raw jute at 45 per cent. of the index number of the pre-war index, and sold their manufactures at a profit of over 200 per cent. (the figures are rough as I speak from memory). There could not have been a worse case of profiteering. Did the Government of India do anything to bring this under control?

**Mr. President :** Order, order. I cannot allow this debate to be made a competition between profiteers.

**Sir Purshotamdas Thakurdas :** I would not have referred to it at all, if the Honourable the Commerce Member had not referred to it himself. I would remind the Honourable the Commerce Member that if cotton industrialists did profiteer in India during the last war, there were many others who profited more. It is hardly fair to prejudice one particular class and not to mention others.

**Mr. A. H. Lloyd :** What about the export duty on jute goods?

**Sir Purshotamdas Thakurdas :** The Honourable the President has closed this discussion, otherwise I would have given you a reply, Mr. Lloyd.

I do not think this House, claiming as it does to represent the tax-payer, can afford to look at this question, in spite of any appeal which my Honourable friend opposite has chosen to make to this House, in any channel other than that of a great political wrong done to India. I still think it is not too late for the Honourable Member opposite to declare, on behalf of the Government of India, that the Government are prepared to take this obnoxious duty off. They may claim that they are acting under orders, and I will not quarrel with them for that, but I expect them forthwith to declare to this House that they agree that the excise duty must go. Then if they feel that they would want the money to be replaced, let them say so to this House. I for one am quite prepared to consider various alternatives that exist, a few of which I will detail and close my speech.

If you are so fond of an excise duty, you can have excise but on the decision of this House ; and then too not only on cotton but on silk, wool, leather, or any other articles you like ; but that excise can only be at the dictation and command of this House, and not at the dictation of Lancashire. You can have an increased duty on profits of industrial concerns if you choose to put further burdens on them. Last year the Bombay mills lost rupees one crore and seventeen lakhs and paid one crore as excise duty. Does he not think that at any rate is a burden from which the industry which is in his charge should be free ? I appeal to this House in the name of the national honour of India to pass this Resolution unanimously.

#### ELECTORAL ROLLS OF THE COUNCIL OF STATE.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Will the Government be pleased to state : (a) whether the Government's attention has been drawn to the interpellation in the meeting of the 11th September 1924 of the United Provinces Legislative Council regarding the amendment of Council of State Electoral Rules ?

(b) When and on what date the reference from the United Provinces Government was received by the Government of India ?

(c) Whether it has been disposed of by the Government of India ? If not, why not ?

(d) Whether it will be possible for the Government of India to dispose of the reference in question from the United Provinces Government before the end of this month or sometimes before the Council of State electoral rolls now published for objections in the United Provinces are finally printed ?

(e) Whether the Government are aware that the subject in question affects the legal rights of members of four universities of the United Provinces ?

**The Honourable Sir Alexander Muddiman** (Home Member) : The answer to (a) is in the affirmative. Government have seen a newspaper report of the interpellation in the United Provinces Legislative Council referred to by the Honourable Member.

[Sir Alexander Muddiman.]

(b) The reference from the Government of the United Provinces was received by the Government of India on the 28th January, 1924.

(c), (d) and (e). Although the letter from the United Provinces Government was received in January last, the Government of India postponed its consideration pending receipt of similar references from other Local Governments in regard to defects in the various electoral rules. As, however, the Honourable Member appears to attach particular importance to the question we will examine it now separately from the other questions which have been raised and will endeavour to arrive at a decision at an early date. We have not, however, regarded the question as one of urgency as it is possible under rule 9 (6) of the Council of State electoral rules to amend the Council of State electoral rolls now being prepared any time before the next election to the Council of State.

The Assembly then adjourned for Lunch till Twenty Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr. President in the Chair.

#### RESOLUTION *RE* ABOLITION OF THE COTTON EXCISE DUTY— *concl'd.*

**Diwan Bahadur Ramachandra Rao** (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, the Honourable Sir Charles Innes made a very comprehensive speech reviewing the history of the subject from 1896 and set out various conclusions based upon statistics of imports from and exports to this country, and the manufacture of cotton goods in the mills of this country. With his main conclusions, Sir, I have no quarrel. The Honourable Sir Charles Innes said that my Honourable friend, Sir Purshotamdas Thakurdas entered politics strictly with a view to business. Sir, so far as I am concerned, I represent a constituency of agriculturists who are interested in seeing that their wants are supplied with as little cost to them as possible. Therefore from that standpoint I am convinced that a remission of this duty will not necessarily be followed by a reduction in the prices of cloth, and therefore to that extent I am in agreement with the conclusion of my Honourable friend, Sir Charles Innes that, unless the present duty on imported cloth is reduced, the prices of cloth in this country will not be brought down. Sir, after expressing my agreement with that conclusion, I am still of opinion that the political aspect of this question, to which reference was made both by the Honourable Sir Charles Innes and Sir Purshotamdas Thakurdas, cannot be ignored. It is a question as to whether the financial arrangements of this country should be dictated to suit the requirements of Lancashire. Whatever may be the force of the argument of my Honourable friend, Sir Charles Innes, namely, that the evil effects of this duty have to some extent been minimised by the differentiation in the rates of duty on imported goods and of the excise duty on cotton manufactures, we are still of opinion, Sir, that this duty has been put on at the dictation of Lancashire, and for that reason it is our unanimous desire that this duty should disappear as early as possible, as stated in this Resolution. Sir, reference has been made to possible alternatives, should there be a surplus at the end of this year ; and Sir Charles Innes expressed the opinion that the Ministers had not been given a fair chance and that the question of provincial contributions will have to be borne in mind in a consideration of this problem. Sir

Charles Innes apparently wants to place us on the horns of a dilemma in case there should be a surplus ; he has actually asked us, " Assuming there is a surplus would you have the scheme of provincial contributions given effect to or would you like to have this excise duty remitted ? " I do not propose to answer that question at present. I am perfectly certain, Sir, that if my Honourable friend will place before us those proposals which may eventuate in the alternatives which he has suggested, he may rest assured that this House will give its best consideration to this question in the spirit of co-operation which my Honourable friend so ardently desires. He made a reference to the late lamented Democratic Party and expressed his belief that he did not see in the present Assembly that spirit of co-operation which he got in the last Assembly. Sir, I will at once say that I plead guilty to that charge. I have no hesitation in saying that if co-operation means wholesale acceptance of proposals placed by the Government before this House, without any consideration and solely with a view to facilitate the schemes of Government without any thought as to the wishes, aspirations and sentiments of the people, my Honourable friend may rest assured that he will not have that co-operation. But I would ask my Honourable friend at the same time whether he has any ground for complaint, seeing that at least in two important matters, namely, the Steel (Protection) Bill and the separation of Railway Finance, we have shown very considerable co-operation with the Government. I think therefore nothing will be gained by constantly telling us that we are not co-operating with the Government. I trust that if co-operation means that active association of both parts of this House in evolving any scheme, either of finance or legislation or administration, he may rest assured—I say with great diffidence also of my Swarajist friends—that we also shall not at all hesitate to co-operate with the Government.

Having said so much on this.... (Mr. V. J. Patel : " Speak for yourself.") My Honourable friend says that I should speak for myself. I never spoke for him or his party. But I venture to think that I see now and then proposals emanating even from my friend, Mr. Patel, constructive proposals for the modification of legislation and also on other matters which show that they desire to do their work in this Assembly in the same spirit in which I am doing mine. I do not wish to develop any quarrel with my Honourable friends on this side. I wish to state that we are not anxious, Members on this side are not anxious, to put money into the pockets of the millowners of Bombay, Cawnpore or Calcutta (An Honourable Member : " Or of Madras.") Or of Madras, certainly. My Honourable friends also recognise that there are very few mills in Madras and very little of the profits will get into our hands, at any rate. If after abolishing the cotton excise duty it becomes necessary to formulate proposals involving financial burdens, we are perfectly willing to look at those proposals of the Honourable the Finance Member. So far as I am concerned, I am willing, speaking for myself, to examine his proposals. The only way in which he could make up the revenue would be by some kind of additional burden on all those who are making profits in industrial concerns. I do not wish to go further than that. We are not anxious to line the pockets of millowners and, if Government can bring forward proposals which, while unconditionally accepting the abolition of cotton excise duty, would if necessary make up the revenue thus lost by further taxing the profits of all industrial concerns, we may be willing to look at them.

**The Honourable Sir Basil Blackett** (Finance Member) : Sir, I have been invited so often to-day to make proposals for increase of taxation that I really hardly know where I am. I remember only two days ago the very thought that a Committee to inquire into our existing taxation might possibly make proposals for new taxation so frightened this House that they proceeded to vote that the Committee be dissolved. It is true that they went on to say that another one with much the same terms be established in its place, but they voted that it be dissolved for fear that it might suggest increased taxation. Now, from all quarters of the House I am being asked to invent new taxation to take the place of the cotton excise duty. (*An Honourable Member* : "Effect more retrenchment.") I will come later to your retrenchment. Now, the cotton excise duty is a tax for the history of which I have not a word to say. It was, I think, a tax bad in its origins, bad in its incidence when first imposed, and, when the Taxation Committee comes to inquire into it now, I think it will very likely say that it is a tax which even now is not altogether desirable in its operation. It is true that it is less undesirable now than it originally was because it has now no true protective effect as regards Lancashire as it had when introduced. With the duty at 11 per cent. for imports, an excise duty of 3½ per cent. on cotton goods produced in this country does not add to the cost of cotton cloth for the poor people. That is to say, it does not take money out of the poor people. It is import duty that does that. It merely takes money out of the pockets of the— I will not say Bombay millowners, but I will say the millowners who are represented by the Honourable Member who moved this motion. The effect of my Honourable friend the Commerce Member's speech on the Honourable Sir Purshotamdas Thakurdas was very interesting. He dropped all pretence that this was anything but politics. He said it was a tax that was bad in its origin and that it was tainted money and without any question of rupees, annas and pies the Government of India ought to abolish it. I should not be averse to being the Finance Member in whose period this historic wrong was righted. But that is not to say that the present is necessarily the moment at which it can or ought to be done. The effect on the Honourable Sir Purshotamdas Thakurdas was to make him even more vigorous in his method of speech than usual. He thumped the table, he spoke of tainted money, he said that it would be a most wicked and selfish step if we did not now abolish this duty. He was very indignant because it was suggested that the Bombay millowners were profiteers. But he was warned by the Chair that it was undesirable to enter into competition with others in the matter of profiteering. But let me grant all his arguments that there are other profiteers. What do they prove ? They prove that business men are business men and that if this duty is abolished every penny of it will go into the pockets of the millowners.

**Sir Purshotamdas Thakurdas** : That has to be proved.

**The Honourable Sir Basil Blackett** : If none of them are the angels with wings I cannot see, it is quite sure that none of them will, if they can help it, allow any of this to go anywhere except into their own pockets, with the one possible exception that they may allow a little of it to go a little further on political grounds.

**Sir Purshotamdas Thakurdas** : Have they no competition at all amongst millowners in India ?

**The Honourable Sir Basil Blackett** : That is to say, if the jute millowners are all that Sir Purshotamdas claims they are. Sir Charles

Innes has clearly made out his case that the abolition of this duty at the present moment means the taking away of 1½ crores from the Finance Member—the angel on this side of the House to give it to the angels who represent Bombay.....

**Sir Purshotamdas Thakurdas :** Will it go only to Bombay ? Will it not go to Cawnpore ?

**The Honourable Sir Basil Blackett :** ....and it will still be paid by the agricultural labourer whom Mr. Ramachandra Rao represents. Sir Purshotamdas Thakurdas, Mr. Neogy and Mr. Ramachandra Rao have accused us of trying to put them in a dilemma—between provincial contributions and this duty. Sir, it is not we who are putting them in a dilemma. The dilemma is there. It cannot be avoided. This Assembly has a responsibility in the matter, and it is a responsibility which it cannot avoid. Mr. Neogy said that it was for me, not for him, to provide a substitute. It is undoubtedly for the Government of India, when the time comes, to suggest a substitute if necessary. But it will be the responsibility of the Assembly to choose. I remember that when we were discussing provincial contributions just before last year's Budget, the House eventually decided that rather than recommend an immediate reduction in provincial contributions it would prefer to adjourn the discussion because it was afraid that if it recommended an immediate reduction of provincial contributions, it might encourage the Finance Member to suggest additional taxation for the purpose of meeting them. But now the House is apparently prepared to recommend the immediate abolition of the cotton excise duty and at the same time to recommend that we should find some substituted taxation. It will not be in order for me at the present moment to go fully into the question of substituted taxation. I have heard several suggestions. Mr. Shamlal Nehru interjected a suggestion that we should increase the import duty on cotton. Since that would simply increase the charge on the agricultural labourer and put additional sums into the pockets of the millowners, I am sure that I have only to put the suggestion to be rejected. Another suggestion that I have heard put forward—it is quite an interesting one—is that we should impose some special duty—a sort of corporation profits tax—that is what it comes to—on the profits of all companies registered in India. We are not in a position to-day to discuss the merits or demerits of that suggestion, but I note it. One of the advantages of the cotton excise duty is that it is a comparatively certain and stable revenue which does not vary with the profits.

**Mr. Kasturbhai Lalbhai :** It varies with the price of cotton.

**The Honourable Sir Basil Blackett :** It does not vary to the extent a duty on profits varies.

**Mr. Kasturbhai Lalbhai :** It varied from Rs. 50 lakhs in 1917 to Rs. 2 crores and odd lakhs in 1921-22.

**The Honourable Sir Basil Blackett :** I wish the Honourable Member would retain his interesting remarks for his later opportunity of speaking. It does not vary in the way that duty on profits varies. Another alternative which might be considered would be a small annual tax on the capital of all companies in India. I shall be interested to hear how these suggestions are received by the country at large. But another suggestion is made that it be met by retrenchment, and I do want to put before the House the position therein. As I explained in my budget speech this year we are faced with an initial deficit of 2 crores of rupees at the beginning



[Sir Basil Blackett.]

of next year on the basis of this year's figures—I do not say that we shall not be able to avoid it, but we shall have to find an increase of revenue or a reduction of expenditure to the extent of two crores before we balance at all next year. In addition, we have got something like over 9 crores of rupees of provincial contributions, that is to say, we have got to retrench to the extent of 11 crores or we have to get out of improved revenue from our existing taxes an extra 11 crores before the Government of India budget balances without the provincial contributions. In those circumstances, it is quite obvious that this question whether the excise duty has to go first or the provincial contributions are to be begun to be reduced first comes before us in the form of a dilemma which we cannot avoid. There is no hope next year, or the year after next, or the year after that that we shall be in a position both to get rid of the cotton excise duty and to give up the provincial contributions. There must be a choice between them unless as I say we are to take some additional taxation from some other quarter to make good the cotton excise duty. It is not a dilemma that the Government are cleverly putting before the House. It is a dilemma that exists and cannot be avoided. When we do come to consider that, I think the House will have to consider whether we are justified in making this moral gesture the value of which I do not underestimate of getting rid of a tax which historically had an origin which is not defended but which has now probably comparatively little to be said against it—unless you were simultaneously, as my Honourable friend, Sir Charles Innes said, to reduce the import duty so that the poor man would really get the benefit of the relief—we shall have to consider whether that tax which is an old tax should be got rid of simply on political grounds because it is tainted money which I noticed Sir Purshotamdas did not in the least object going into the pockets of the millowners.

**Sir Purshotamdas Thakurdas :** It ceases to be tainted money then.

**The Honourable Sir Basil Blackett :** If I find a rupee on the road, it goes into my pocket even if it has a nasty spot and I do not regard it as tainted, but I should be inclined to warn a friend if he took it that it might be carrying disease. Sir, all I want to put before the House is this. We are to-day asked to pass a very definite Resolution recommending that early steps be taken to abolish the cotton excise duty. We are not in a position to-day to consider it really on its merits other than its political merits. We are not in a position to-day to consider on its merits whether it is the first tax that in the interests of the people of India ought to be got rid of, or whether it is desirable to get rid of it and put another tax in its place. We are not in possession of the facts, nor would it be in order to discuss that sort of question in full here. We are asked therefore on political considerations to tie ourselves to a point of view which it is impossible for us to discuss fully and which I do urge this House to consider may not be in the interests of the people of India as a whole. We were discussing only two days ago the economic condition of the masses. Is this crore and a half more likely to help the economic condition of the masses if it is put into the pockets of these millowners who will not regard it as tainted, or if it is devoted to the reduction of the provincial contributions and improving the education of the masses? These questions are all before us and we cannot get rid of them by saying that we are voting solely on political grounds. I do not for a moment contend that on political grounds there is not a great deal to be said for this Resolution, but I do say that there are

many other grounds on which it ought to be considered, and neither I, as the Finance Member, nor you as the Assembly, are justified in making a moral gesture at the possible expense of the people of India as a whole even if it is for the benefit of particular individuals.

**Colonel J. D. Crawford** (Bengal : European) : I wish to emphasise one point which has been brought forward by the Government benches and Government benches alone. I have listened to the fierce, I might say almost indecent, advocacy of the millowners in this House for the removal of the cotton excise duty. I will admit.....

**Pandit Madan Mohan Malaviya** : I rise to a point of order. Is the Honourable Member entitled to use the word " indecent ".

**Mr. President** : Did the Honourable Member use that word ?

**Colonel J. D. Crawford** : Yes.

**Mr. President** : Then the Honourable Member must withdraw that word.

**Colonel J. D. Crawford** : I beg to withdraw the word " indecent " and to substitute the word " improper ". I will admit the desirability of the withdrawal of this excise duty on cotton on political grounds, but I have one suggestion to make and that is that the money thereby obtained shall go to the people. I listened to the brilliant speech which has come from the Commerce Member and I waited longing to hear the representatives of the people get up and insist that this money shall go into the pockets of the people of India. Not one word has been said. On the last occasion when the debate on the Taxation Committee took place my friend Mr. Patel told us of the horrible condition of millions of Indian masses in this country, conditions which we all know, and which we all realise but when the case comes to be put to the practical test he is not ready to stand up in this House and demand that this money instead of going into the pockets of the mill-owners shall go to the masses. I trust Mr. Chaman Lall will stand up in this House and repeat the facts which he told us on this point, about the deplorable condition of the workers in the Indian cotton mills which are Indian-owned. I trust Mr. Joshi who is the only Indian Member, so far as I know, who has realised the necessity of getting this money for the benefit of the people in India will also rise and support me in saying that the excise duty on cotton will be removed only if measures can be found to place it in the hands of the people. The Honourable Mr. Neogy said that the popular voice of India was behind him in demanding the repeal of the cotton excise duty. I contend that there is a different tax the repeal of which will probably receive more support in the country than even the repeal of the cotton excise duty. That is the repeal of the income-tax. This is not a debating society. We are here to provide revenue for the administrative work of the country, and if we suggest the withdrawal of one tax it is up to us to say how we intend that the revenues of the country shall be made up. The question is one really of general expediency. The injustice, it will be admitted, which was done has been made good by the increase of the import duty on cotton and we are now asked to consider the question of its withdrawal quite apart from the question of other taxation which is placed on the country. I hold that it is not a separate question. If we consider the withdrawal of this duty, we must consider what other duties have a right also to be withdrawn, and I say that some

[Colonel J. D. Crawford.]

of those duties which have recently been put on with a view to balance the budget are those which call for primary consideration. I feel also that one of the great needs of the country to-day is the reduction of provincial contributions, so that we may have money for the education of the masses and for the improvement of the conditions under which they live. These are questions which to my mind come before the withdrawal of this particular duty on political grounds. I stand here somewhat disgusted, that the so-called representatives of the masses have not urged, as the Government Members have urged, that if this duty is repealed the benefit shall go, not into the pockets of the millowners, but into the pockets of the people. On these grounds I beg to oppose the Resolution.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadian Rural) : One of the punishments to which Indian Members of this House are subjected, amongst others, is to listen to discourses on their duties and to receive chastisement for sins for which they are not responsible. Members of Government and some other Honourable Members get up to tell us what our duties are, and to remind us that we are not doing our duty here. Well, Sir, I wish that every one who has spoken in this debate and every Member of this House would pin himself to the consideration of only one question which arises in this debate, namely, is the repeal of the cotton excise duty which is recommended by the Resolution for the good of the people, or is it not ? I pin my faith to that proposition. If it can be established in fair argument that the repeal of the cotton excise duty is not demanded in the interests of the people I will oppose it with all my heart in spite of all that my capitalist and millowner friends urge. But I ask that the facts should be looked straight in the face. There are two aspects of the question : one is the political aspect, the other the economic aspect. The political aspect has been dwelt upon a little too much and I do not mean to emphasise it beyond saying that there never was a duty imposed on any people which had less justification and which could be more strongly condemned than this cotton excise duty. I do not wish to dwell any further upon that. I wish to dwell upon the economic aspect of the case, and that embraces two points ; one is the aspect of the development of national industries : the second is the incidence of the tax upon the consumer. First, so far as the development of industries is concerned, every sensible man, every school boy, will recognize that, after food, the people required clothing. The people of India may do without machinery, they can do without a good many other things, but they cannot do without clothing. Clothing is needed and will be needed, it was needed in the past, it will be needed in the future. Cotton is grown in plenty in the country. The people ought to utilise all the cotton to clothe themselves. They are not able to do so. The cotton industry in India is not the property or the perquisite of the millowners alone ; the millowners are a part of the people, they work for the people, they belong to the people. Unaided by the Government of the country, unassisted in the matter of finance, unhelped in the matter of protective duties, placed under a most unjustifiable burden by reason of the cotton excise duty, the millowners of India, the Indian millowner has struggled to build up the cotton industry to what it is, which has extorted the admiration of the Member for Commerce. Has he done so for his own selfish ends only ? He has not. He is a part of the community ; he belongs to the people ; he has worked for the good of this

country, for the good of the people ; and because he has done so he is able to supply a considerable quantity of cloth to the people. That is his greatest reward, that is his greatest satisfaction, and to enable him to produce more, it is the duty of Government and of the public to render him all the assistance which the people and Government honestly can. Instead of that assistance being given him, how has he been treated ? He has been burdened with an impost for which there can be no justification, for which there can be no parallel found in any civilised country, except when you go back to England in the old days of Pitt, when there was such an excise duty proposed for a short time only to be removed as soon as the people raised a clamour against it. That is the position. Economically, then, from the national point of view, it is of importance that this industry should grow ; and how is this industry situated now ? This impost was not placed upon the Indian cotton industry in order to countervail against the duty imposed upon the cotton imports of England. The Honourable the Member for Commerce has told you that the import duty has now been raised to 11 per cent.—the import duty on cotton—and that this cotton excise duty is therefore less undesirable, the Finance Member also told us—than it used to be. He has looked at the question in an entirely misleading manner. I regret to think that the remarks of the Honourable the Finance Member also are misleading in that connection. What is the truth, Sir ? Was this duty imposed because the cotton piece-goods of Lancashire were in danger of competition by Indian mills ? Did Indian cotton piece-goods really compete at the time with the cotton piece-goods of Lancashire ? It has been admitted throughout that they did not. This duty was imposed simply at the bidding of Lancashire, because Lancashire could not bear to think that the Indian cotton industry should be allowed to grow healthily under the ægis of the Government of India. I challenge anybody to say that there was any justification for this duty being put on. Times out of number Englishmen, very honourable Englishmen, some of them occupying higher positions than many of those who advocate the retention of this duty, have said that this duty was imposed upon the Indian cotton industry merely at the dictation of Lancashire, that the fact constituted a most shameful piece of history in the annals of British administration. Therefore, Sir, the raising of the import duty to 11 per cent. does not affect the question before us. The question is, was there any justification for putting this  $3\frac{1}{2}$  per cent. duty on the cotton piece-goods produced in India ? If there was no justification for it initially, how is its retention justified now ? Not in order to benefit the Indian cotton industry, not in order to place the Indian cotton industry at a less disadvantage have you raised the duty on piece-goods imported, but because of the revenue necessities of the Government. Therefore, this enhancement of the import duty does not affect the question.

Now, the second aspect, the aspect which is of national importance is this, that if the mill industry grows it will benefit the people. Could there be anything more melancholy to imagine than that the people should have been reduced to the greatest hardships and privations during the period of the war because the country could not produce sufficient cloth for them ? Can there be a greater shame for the Government of this country and for the people than that huge quantities of our cotton should be taken away by Japan to be manufactured in Japan and to be brought back here ? Is it not the duty of the Government and the people to combine to develop this cotton industry, so that every single ounce of cotton produced in the country could be manufactured in

[Pandit Madan Mohan Malaviya.]

the country to meet the demands of the people of this country in the first instance? Is it not the duty of the Government even to see that more cotton should be imported from outside, if need be, in order to supply Indian made cloth to the people of this country? That is the direction in which the Government and the people ought to work, and that demands that the cotton industry should be helped, that this unjust and unjustifiable burden should be taken off its shoulders, that it should be developed and assisted in every way in order that it may grow until all the cotton produced in the country is utilised by it.

Now, I come to the second question, the question of the burden on the consumer. Is the consumer going to be benefited by reason of this duty being taken off. It has been assumed in the debate by some speakers that he will not be. The Honourable Member for Commerce was asked by the Honourable Mr. Kasturbhai Lalbhai to quote the comparative figures of the prices of imported piece-goods and of the piece-goods produced by Indian mills during the last ten years or so. He said he left it to Mr. Kasturbhai to quote these figures. By the courtesy of my friend Mr. Kasturbhai Lalbhai I place these figures before the Assembly. They will show how little justification there is for the proposition which has been urged by the Honourable Member for Commerce, and the Honourable the Finance Member that the consumer will not benefit if this duty is taken off. In 1909-1910 the price of imported piece-goods was as. 2 p. 5  $\frac{3}{4}$ . The price of Indian goods as calculated from excise duty paid was as. 1 p. 11  $\frac{1}{2}$ , the difference being 6 pies. In 1910-11 the difference in favour of Indian goods was 9 pies. In 1911-12 the price of imported goods was as. 2 p. 9  $\frac{1}{2}$  and of Indian goods as. 2 p. 0  $\frac{1}{2}$ , the difference being 9  $\frac{1}{2}$  pies.

**The Honourable Sir Charles Innes :** May I interrupt the Honourable Member? Would he explain what these figures are? What is the unit of comparison and whether he has taken the prices of different kinds of cloth? I entirely fail to understand his figures.

**Pandit Madan Mohan Malaviya :** I will hand over to my friend the Government publication from which these figures are taken. He will find all the details there.

I wish to go on with the figures which I was giving to the Assembly.

Year.	Price of imported piece-goods.		Price of Indian goods.		Difference	
	As.	Ps.	As.	Ps.	As.	Ps.
1912-13 . . . . .	2	9 $\frac{1}{2}$	2	2 $\frac{1}{2}$	0	7 $\frac{1}{2}$
1913-14 . . . . .	2	10 $\frac{3}{4}$	2	2 $\frac{1}{2}$	0	8 $\frac{1}{4}$
1914-15 . . . . .	2	9 $\frac{1}{2}$	2	1	0	8 $\frac{1}{2}$
1915-16 . . . . .	2	9 $\frac{1}{2}$	1	7 $\frac{1}{2}$	1	2 $\frac{1}{2}$
1916-17 . . . . .	3	9 $\frac{1}{2}$	1	4 $\frac{1}{2}$	2	4 $\frac{1}{2}$
1917-18 . . . . .	5	1 $\frac{1}{2}$	2	3 $\frac{1}{2}$	2	10 $\frac{1}{2}$
1918-19 . . . . .	6	11	4	6	2	5
1919-20 . . . . .	7	8 $\frac{1}{2}$	4	7	3	1 $\frac{1}{2}$
1920-21 . . . . .	8	11	7	1	1	10

Now, Sir, this will show that the statement of the Honourable the Commerce Member that the prices of imported cloth determine the prices of Indian cloth is not to be accepted without a qualification. This will show that the Indian mills have not fixed their prices merely by a consideration of the prices of imported cloth. And there is another very important point which is to be borne in mind in this connection. The price of cloth has gone up and the consumption of cloth has gone down. The people of this country are unfortunately very poor. The people of this country were using 18 yards of cloth per head before the war. That consumption went down to 9 yards per head. It is now rising to something like 11 yards per head. That will show how much loss has been inflicted upon the people of this country by the rise in the prices of cloth. How is that rise to be brought down? If you keep up this duty, who will say that this duty is being paid by the millowner out of his own money. It is being put on the head of the consumer. The consumer has to pay it. When the profits are very high, it will come out of the profits of the millowner. But when the profits are not high and are normal, the duty is paid by no one except the consumer. The millowner is not so foolish as not to take this duty into account in determining the price at which he will sell his cloth. This fact has been recognised by all sensible critics whether English or Indian. I will quote only one opinion which ought to suffice in this connection. It was published in the *London Times* of the 5th March 1917. Writing on this subject the *Times* said :

“ The Indian cotton excise duty has always been politically, economically and above all morally indefensible. It has made a grave breach in the moral basis of the British control of India. It was deeply resented from the outset and has remained an open sore. At the bidding of Lancashire, the Hindu peasant has had to pay more for his clothing for twenty years because, although it is made in his own country, it is subject to an excise duty.”

Every fairminded Englishman will recognise that this duty falls upon the consumer, and it is absurd for anybody to try to persuade us Indians here that the duty does not fall upon the consumer, that if it is taken off, the money saved will go into the pockets of the millowner. The millowner is a business man. If the Government of India recognised the wisdom of having a pice post-card and thereby made a large income, the millowner knows that if cloth is cheap it will find a larger market, a very much larger number of people will use it. And in normal conditions in his own interest, apart from any humanitarian or patriotic considerations, the millowner will have to sell his cloth as cheap as he can. He has so far not been able to sell it as cheap as I wish he would, because the price of cotton has gone up. But the price of cotton is going down, and I expect, that as the prices go down, the millowner of India will be able to sell cloth at cheaper rates.

Now that being so, I submit that it is not right to say that if these duties are taken off, the money will go entirely to the millowners. It must be recognised that at least a part of it will remain with the consumer; that in the long run there is a greater chance of the consumer being benefitted than the producers. If the present state of things is allowed, if you do not take off this duty, it only means that Japan will make further inroads into the markets of this country. Japan, only a few years ago, in 1919-20, sent to this country 2,000 lbs. of yarn. Now I find that the imports from Japan have risen to twelve million pounds. The Japanese imports are steadily growing.

[Pandit Madan Mohan Malaviya.]

The late Sir Vithaldas Thackersey sounded a note of warning in his speech in the Legislative Assembly in 1922 when he said :

“ The principal competitor in the Indian market is not Lancashire. It is Japan. With their bounty-fed freights for importing raw materials both from India and America and sending out their productions in their bounty-fed boats ; with their home markets fully protected where they can sell their goods at a higher rate in order to enable them to dump goods in India and elsewhere ; all these reasons make Japan a great competitor of India.”

The quantity of imports which come at present from Japan is an index of what is likely to come in the future, if we do not help the Indian millowner to earn more money and to manufacture more yarn and cloth in this country. It is in the interests of the people therefore that the millowner should be helped and encouraged to increase his manufacturing power so that he can manufacture all the cotton that may be available in this country. It is in that way alone that you will help the people to clothe themselves with Indian-made cloth. For these reasons I strongly support the motion which is now before the House, and I hope that it will be carried unanimously with the support not only of the Indian Members but of those European Members also who look at this question from the right point of view, without any political prejudice or economic bias.

**Dr. L. K. Hyder** (Agra Division : Muhammadan Rural) : Sir, I have only two comments to make on this Resolution. One refers to the question of justice and the other to that of incidence. As regards justice, I think it has been admitted that originally this cotton excise duty was a duty which ought not to have been imposed. I ask you to consider when the duty was put forward. It is now 30 years ago, and in the course of these 30 years the cotton industry in India has expanded, so that it is now in a flourishing state in spite of this impost. The industry has readjusted itself to this impost and in the cotton industry that has happened which is known to medical men as “ tolerance ” that is to say, that when a hurt is inflicted on a body, the body adjusts itself to the hurt which has been inflicted ; so that after 30 years the expansion of the cotton industry is not hindered by this impost. Further I ask you to consider this question of justice in connection with a fiscal maxim. It was a Frenchman who said that “ every old tax is good, every new tax is bad, but the new becomes good in course of time.” When you come to vote on this question I ask you to bear this fiscal maxim in mind, when you decide to vote for or against the Resolution.

As regards the question of incidence, it is plain that the man who pays is the consumer, so that the question resolves itself into this, whether it is right that the money that now goes to the collective purse, to the purse of the State, should go to the purses of a few individuals. It is not the question whether the consumer will be benefitted, the only question is whether this transference of money from pockets which are very narrow, which are very empty, which are torn, whether this transference of money should take this direction, from the collective purse to the purse of a few individuals. I think if the issue is made clear like this, perhaps the Members of this Assembly will have no hesitation in coming to the decision that on the whole it is better that what is obtained from the people should be spent for the benefit of the people (*An Honourable Member* : “ Is it ” ?). If you decide it the other way, it will come to this, that you are transferring money from relatively poor people to relatively rich people. I have no more comments to make on this, Sir.

**Mr. H. G. Cocke** (Bombay : European) : Sir, I desire to support this Resolution and I do so mainly on two grounds. I do not want to dwell on the historical aspect of this question, which has taken quite sufficient time to-day, but I think it has been admitted from the benches opposite that the day that this duty becomes expunged from the Statute-book will be a very good day for everybody. It will deprive this House of a very interesting subject for debate, no doubt, but on every other ground I think we shall all be pleased to see the end of this tax owing to its objectionable associations. But I oppose the tax mainly on the ground that it is a tax on production, and a tax on production of an article which is in use by the masses. We have been told, and it is not disputed, that the cloth which our mills manufacture is the cloth which is mainly used by the masses, and therefore on that ground I say a duty on the production of an article of this sort is a bad tax. If you have got to have an excise duty on production, then I think it should be at a smaller percentage and it should be much more widely spread. It would not be difficult to name other industries in India on which a tax on production could be imposed, and if the rate were more moderate it would obviously make it easier to deal with and easier to collect.

I wish also to say a word about the argument which has been used from the Government benches, that if this tax is removed to-morrow, the whole amount will go into the pockets of the millowners. That may be very good as an election cry, but I do not think it is a sound argument to put forward in this House. It is obvious that, if at the present time when your mills are making a loss, you take off this duty, that will in the first place remove that loss, and we will assume no profit and no loss will be the result. To a mill to-day which is not making a loss and not making a profit, but is just paying its way, it is obvious again, that if you take off this duty, you will be allowing a small profit to be made and possibly a small dividend to be paid. In that sense the amount goes into the pockets of the shareholders, or it may go to the reserve, which is much the same thing, although the shareholder may not perhaps think so. But take the case of a mill which makes half an anna per lb. margin on its cloth. After all mills deal in margins, for they have got to work for a margin between the sale price and the production price. They have got to try and keep machinery running at full swing and they have got to dispose of their total production. If they are now making a margin of half an anna a pound, it is obvious that, if you take this duty off, you are going to give them a bigger margin, and the result of this must be a tendency to a reduction of prices. They are going to be able to compete with the Japanese article more easily, and that is going to help to keep the mills further to work, and it is going to enable them gradually to reduce the price of their cloth. I do not say that if you take this duty off, the immediate effect will be that the consumer will get the benefit of the whole of it. But I do say there must be a tendency in that direction and that must be the result in the end. The question of Japanese competition has been referred to, and the Honourable Sir Charles Innes, I was glad to hear, stated that it was being watched very carefully. I am very glad of that because it is certainly a menace and unfortunately the competition between the Indian mill and the Japanese mill does not seem a very fair competition. In a speech made by Captain Sassoon in Bombay a short time back he spoke as follows :

“ When we realise that Japan has 48 lakhs spindles against our 79 lakhs and yet consumes the same amount of cotton as we do, roughly 2 million bales, I must point out that they work 22 hours a day, in two shifts, whereas our Indian mills are



[Mr. H. G. Cocke.]

restricted to a working week of 60 hours, and I might here mention that though Japan has agreed to ratify the Washington hours of labour conditions, they have not to date done so, but keep on putting the world off with an excuse. Besides the advantage of these long hours, they have been using cheap female and child labour against our male labour, they have a high protective tariff which enables them to dump their surplus into India at a low rate, backed up as they are with favourable freight rates through the subsidies paid to Japanese lines."

The Japanese competition is a very important factor at the present time and I am glad to know that it will be watched.

If this duty is removed it will, it is true, give the Indian mills a greater protection than they now have over the imported article, but I am not quite sure, in view of those remarks of Captain Sassoon, whether it is not desirable that that additional protection should not be given, certainly so far as Japan is concerned.

Sir, you have ruled that we must not go into other questions of taxation to any extent, but the matter has been debated to some extent and the Finance Member this morning suggested that if we were going to support the abolition of this tax we should be prepared to suggest substitutes. He has named this afternoon two or three. He did not refer, however, to any regrading of the income-tax. It seems to me if the masses of this country are so poor that they cannot stand a very small extra charge for their salt, and so on, then we shall have to leave the masses alone. This question will be subjected to the investigation of the Taxation Inquiry Committee, but if that is proved to be the case, that we cannot tax the masses, we shall have to consider the question of taxing the smaller incomes. I refer to incomes, we will say, of Rs. 500 upwards, because it is obvious that additional super-tax in this country is going to yield you very little. The number of incomes liable to super-tax is very limited, and you have got a great mass of humanity earning very little. We are told you cannot tax them at all. We are told they cannot bear the salt tax, which is one remedy for the abolition of this excise duty, and therefore to my mind you will have to consider the question of regrading the income-tax. At present no income under Rs. 2,000 pays any tax and the tax on an income of Rs. 3,000 only pays Rs. 78 or Rs. 6/8 a month. That is another method of taxation. I know the income-tax is as unpopular as any other tax but you have got to get money somewhere. We must have this cotton duty removed and we must have the provincial contributions attended to at the earliest possible time. I am not going so far as to suggest that the removal of this duty necessarily comes in the forefront of everything else. That is a matter for the Taxation Inquiry Committee and a matter for this House; and it may be that in view of the fact that the import duties have gone up and the excise duty has remained the same, it will be desirable in the interests of the country generally to keep the excise duty at the figure at which it now stands for another year or two; but that does not prevent me from supporting this Resolution to the effect that it should be removed,—that the Governor General should take early steps to abolish it; and I hope it will be possible for him to take those early steps and at the same time take steps to remove or alleviate the provincial contributions by a general amendment of the taxation system of the country.

**Mr. C. S. Ranga Iyer :** I move that the question be now put.

The motion was adopted.

**Mr. Kasturbhai Lalbhai** (Ahmedabad Millowners' Association : Indian Commerce) : Sir, Mr. Neogy's amendment desires me to drop the

latter portion of my Resolution dealing with the protection to the textile industry. Although I would much desire an investigation by the Tariff Board to devise some means to afford protection to the industry against the inroads of Japan, which is selling yarn and piece-goods in the Indian market below the cost to the Indian manufacturer, I accept Mr. Neogy's amendment rather than allow Government to use the Tariff Board as a peg whereon they can hang the considered decision of this House and defer action as they have done in the case of bounty-fed African coal.

Sir, it has been a painful surprise to me to listen to the defence which the Honourable Sir Charles Innes has ventured to put forward in favour of the cotton excise impost. The tax had not so far been defended on merits by any responsible official from Sir James Westland to our *ex-Finance* Member, Sir Malcolm Hailey. It has been condemned by Prime Ministers in England, representing three different schools of political thought, namely, Conservatives, Liberals and Labourites, the last among them being our present Premier. Viceroys after Viceroys from the time of Lord Curzon onwards have also condemned it; and it would have been more consistent if the Honourable Commerce Member had cared not to go back on the considered opinions of all these personages. In fact when he laboured the point of showing the percentage supply of yarn and cloth by Indian mills to this country, I could not persuade myself to the thought that I was listening to the Honourable Member in charge of the commerce of this country whose sole interest, I believe, should be the advancement of the commerce and, if I may say so, of the industries of India and India alone.

Sir Charles tried to prove that Indian cotton mills supply about 90 per cent. of the local demand for yarn and have little to fear from foreign competition in this line. But in arriving at that percentage, he has conveniently forgotten to mention that the cloth produced by Indian mills and hand-loom from this 90 per cent. of yarn represents only about 60 per cent. of the country's normal requirements. Sir Charles Innes has also referred to the profits of cotton mills. It would have been more illuminating if he had given us comparative figures of profits made by the textile industry elsewhere. *e.g.*, England, America, Japan and so on, during the same period. I think the House would have been glad also to have figures of profits made by jute, woollen and such other concerns in India during the war time. I ask, Sir, have cotton mill profits been higher than those of jute, which declared 130 per cent. dividends during the war period? I venture to submit that taking a number of normal years the profits of Indian cotton mills have not been more than 10 per cent.

The House is familiar with the position of the last and current years in which cotton mills were made to pay the excise impost on cloth production in spite of losses. Without dilating further upon this point, I need only remind the Honourable Commerce Member of what his Colleague, Sir Malcolm Hailey, said in 1922. He observed :

"We realise that our conduct in regard to the Bombay and Ahmedabad mill-owners must be one of caution.....Allusion has been made to the profits made by them.....but they have earned these in fair trade and no one need grudge a business man the profits earned by industry and enterprise. We least of all grudge them."

I may also be permitted to say, Sir, that while the profits earned by the Indian textile industry have returned to the community in one form or another, those which our foreign competitors made were simply a drain

[Mr. Kasthurbhai Lalbhai.]

on India. The phenomenal progress of the industry was also referred to. Percentages in such cases are misleading and in spite of all Sir Charles Innes may say the fact remains that while during the last 28 years in which the industry has been burdened with an excise impost, the increase of spindles in America has been 2 crores and 74 lakhs, in England one crore and 11 lakhs, in Japan 43 lakhs, (working night and day, *i.e.*, 86 lakhs), in India it has been 41 lakhs only. In looms also we continue to remain in the background in the same manner. America increased its looms by 3 lakhs 82 thousand, England by 1 lakh 88 thousand, Japan by 58 thousand, (working night and day, *i.e.*, 1 lakh and 16 thousand), while this country could only add 1 lakh and 9 thousand to its looms in all these years. I leave it to the House to judge for itself whether the progress could be at all deemed satisfactory when we consider the resources and the needs of this vast country.

It was suggested that the continuance of the duty is not a grievance as it is low and that in 1922 nobody asked for its repeal. It is sufficient to quote Sir Malcolm Hailey again who said during the course of the discussion on the Finance Bill in 1922 :

“ Both Lord Hardinge and Sir William Meyer gave expression to the sentiment which I still feel and my colleagues, I am sure, still feel that the cotton excise duty in itself *qua* countervailing duty was undesirable and that it ought ultimately to be removed.”

Where was the necessity of this apologia by the Finance Member if there was no grievance against the duty ? The Government desired to raise it and had ultimately to keep it at its original level, not because people did not want its repeal then, but merely as a compromise for the time being, *i.e.*, pending the considered verdict of the Fiscal Commission which was then sitting but which has now condemned the tax unequivocally.

Sir, we are told that, before the Fiscal Commission, the Bombay Mill-owners' representatives did not ask for protection to cotton textile mills. As stated in my speech, the present difference of  $7\frac{1}{2}$  per cent. in the import and excise duty is illusory. We have to pay duties on machinery, stores and in some cases on yarns from which the foreigner is exempt. I find, moreover, that the Bombay Millowners' Association in its written statement emphatically asked for protection and added that, while adhering to that policy, it did not approve in theory or practice of the imposition of excise duty in the case of any article with the possible exception of spirituous liquors. The millowners' point of view has been clearly expressed in the latter half of paragraph 168 of the Fiscal Commission Report and by the majority of the Indian members of the Commission in paragraph 20 of their able minute. The recent representation of the Bombay Millowners is also in the hands of Government, which shows what their present views are. I may add that Mr. J. A. Wadia, who is an authority on this subject, urged in his last year's review of the cotton mill industry for a protective duty of 22 per cent. on foreign cotton goods. This is not more than what Japan and America have done and India may well take a chapter from their books in this case.

It has been said, Sir, that cloth prices in India are regulated by the foreign imports. The statement given by the Honourable Pandit Madan Mohan Malaviya should prove to the satisfaction of the House that the prices of Indian piece-goods are not controlled by imported piece-goods but by the internal competition.

Sir Charles Innes has tried to make much of the expression "financial considerations" used by Lord Hardinge while assuring this country of the Government's intention to repeal the cotton excise impost. This assurance, Sir, bears a strange, yet close, analogy to a similar assurance given in 1877 by Lord George Hamilton, Under Secretary of State for India, and the Secretary of State, Lord Salisbury, to the textile manufacturers of Manchester to repeal the import duty on cotton goods as soon as the *financial condition of India would permit*. That assurance was given in spite of the unanimous and considered verdict of the Fiscal Commission of 1874, which was, that the low import duties then prevailing on cotton yarn and piece-goods were fair and equitable and that the contentions of Manchester regarding their supposed protective nature were without foundation.

Lord Northbrook's Government was also opposed to its repeal. But none of them were listened to and the assurance to Manchester was given effect to partially in the next year, 1878, which was one of adverse finance and fully in 1882, again in the face of a deficit budget and famine.

But what is the fate of the assurance given to the Indian textile industry in 1916? It hangs fire on one ground or another. The year 1924 opened with a balanced budget accompanied on the other hand by widespread depression and consequent unemployment in the textile industry. If I read the revenue figures correctly for the current year, I feel that Government may be expected to earn at least about 3 crores of rupees over their estimates in customs duties alone. In fact, the last five months returns are already Rs. 3 crores above that of the previous year and the highest so far recorded in the same period at any other time. Railways are expected to bring in at least a crore of rupees more than the budget estimates. Exchange, which has been calculated at 1s. 4½d. for the purposes of the budget has remained higher by about three-fourths of a penny in the year so far; and to my mind, there are no signs of its going down. This may give an extra crore or two to the Government. Revenue estimates in respect of other heads are not also wide of the mark, and I have no hesitation in saying that if Government will it, the time is opportune to redeem their solemn pledges to the indigenous industry. I contend, Sir, that even if no surplus were available and if revenue is required, there can be no justification for discriminating the cotton textile industry from others such as jute, silk and woollen mills for the imposition of an excise tax. Why do not Government spread the burden equally over all industries if revenue is indispensable?

The Honourable Sir Basil Blackett referred to the profit tax and said it was not desirable as it varies. Sir, the variation in cotton excise duties has been from Rs. 50 lakhs in the year 1917 to Rs. 2 crores and odd lakhs in the year 1921-22.

Sir, the cotton excise impost has been resented in this country from its inception; the whole country excluding a Chamber or two interested in the import trade is at one in asking for its immediate repeal to-day, and before I close I may be permitted to sound a note of warning that India would not placidly submit to step-motherly treatment in the matter of this tax any longer. She is not going to accept the unhappy position that assurances given to English manufacturers alone are enforceable while those given to Indians are a mere scrap of paper. It is up to this House, Sir, to see that the indigenous manufacturer is not denied his natural and just rights in his own native land.

**The Honourable Sir Charles Innes :** Sir, I do not propose to keep the House very long. In fact, I do not think there is any need for me to do so, because, in spite of the long debate we have had, I have not been able to discover that my arguments have been seriously challenged by any one. Mr. Kasturbhai Lalbhai has accused me of grudging the mill-owners their profits during the war. Mr. Kasturbhai Lalbhai had no right to make that statement at all. What is the history of this matter ? In his opening speech Mr. Kasturbhai Lalbhai stated that in regard to pledges, official memory was short. He has just now stated that we regard these pledges as a scrap of paper. I had to take up that point, and in order to meet it, I compared on the one hand our deficit budgets and on the other hand the profits made by the millowners during the war. I never said that I grudged them those profits and I do not grudge them those profits for a moment. But if the millowners and their representatives in this House make statements of that kind, they must not be surprised if these profits of theirs are brought out into the light. He seemed to me to be unduly sensitive about it.

While I am on this matter I should like to make an apology to my friend Sir Purshotamdas Thakurdas. He accused me of referring all through my speech primarily to the Bombay millowners. I am afraid I did and the reason why I did so was this. I regard the Bombay Mill-owners' Association as the Association which is entitled to speak with authority for the whole of the cotton industry in India, and when I referred to the Bombay millowners I hope, Sir, the House will recognise that I was referring in short terms to the Bombay Millowners' Association which as I say is the recognised authority on all matters connected with the cotton mill industry. Let us get back to this matter. I have been accused of having tried to place the House in a dilemma. I assure the House that nothing was further from my thought. As the Honourable Sir Basil Blackett has pointed out, we did not create the dilemma, the dilemma is there. It has been suggested that this tax is to be kept on for the benefit of Lancashire. Surely, the House must realise that a statement of that kind is absolutely untrue. We have a measure of fiscal autonomy in India. That fact is proved by the Steel (Protection) Act which we passed last July, and the House may take it from me that, when this question does come to be considered, if this House and the Government of India arrive at an agreement the Secretary of State will not interfere nor will Lancashire. The whole question will be decided, and must be decided, solely with reference to the interests of India. That is why I ventured to bring out in my speech the economic aspect of this question. If the question is one merely between the Indian tax-payer and the Indian producer, surely this House and the Indian people are robust enough to look at the matter purely from the economic aspect with reference to what they consider to be the interests of India. I have no doubt that they will take into account the unhappy history of this matter. I myself, speaking personally, would be glad to see the Cotton Excise Duties Act off the Statute-book if only for the reason that then I should not have to engage in these very acrimonious debates. But if I defended the tax I defended it solely in order that when the House does come to consider the question it may consider it purely in a dispassionate manner. The Honourable Pandit Madan Mohan Malaviya may talk as much as he likes, but he cannot alter economic facts, nor Mr. Kasturbhai Lalbhai, nor Mr. Cocke. The economic fact is, and it has been brought out in the report of the Fiscal Commission,

that the price of piece-goods in India is governed mainly by the import price. That is the difficulty we shall be up against. If you take off this tax you will not reduce the price of cloth. The excise duty will still be paid but it will be paid to the millowners and not to the Government. That is a fact which will have to be borne in mind when you weigh the claims of this tax for abolition and those of provincial contributions for reduction. There is no good blinking that fact. There is no good trying to cloud the issue, trying to take this question away from the economic sphere altogether and bring it back to the political one. This House has got to stand up to its responsibilities to the people of India, and Sir, when the question does come to be decided I have no doubt but that they will. That, Sir, is all that I have to say.

**Mr. President :** The original question was :

“ That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date.”

Since which an amendment has been moved :

To omit all the words after the words “ Indian Fiscal Commission ”. The question that I have to put is that that amendment be made.

The motion was adopted.

**Mr. President :** The question is that the \*Resolution, as amended, be adopted.

The motion was adopted.

# RESOLUTION *RE* APPOINTMENT OF A COMMITTEE TO INQUIRE INTO THE CAUSES OF RECURRING FLOODS.

**Mr. Bhubanananda Das** (Orissa Division : Non-Muhammadan) : Sir, I rise to move the Resolution standing in the name of my friend Mr. Yusuf Imam. It runs as follows.....

**Lala Duni Chand** (Ambala Division : Non-Muhammadan) : I rise on a point of order. The Honourable Mover, Mr. Yusuf Imam, is not moving the Resolution, and in fact he is absent. He has given no authority to the Honourable Mr. Das or asked him to move the Resolution on his behalf. I pray the Honourable the President to give a ruling.

**Mr. President :** I am afraid the Honourable Member from the Punjab is speaking without his book. I have received authority from Mr. Yusuf Imam to call upon Mr. Bhubanananda Das to move his Resolution in his absence. I do not know why the Honourable Member interrupted.

**Mr. Bhubanananda Das :** Sir, the Resolution runs as follows :

“ This Assembly recommends to the Governor General in Council that a committee of experts be immediately appointed to inquire into the causes of the recurring floods all over India and to advise the Central and Provincial Governments on the best remedies against such floods.”

Sir, I gave notice of the original Resolution in the Assembly and I am happy to find that I am now moving the same Resolution in this House and by the time I finish moving this Resolution I hope I shall get the

\* “ That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian members on the Indian Fiscal Commission.”

[Mr. Bhubanananda Das.]

support of the House in the proposition that I put forward in this Resolution. It has always been taken for granted that floods are due to providence, like epidemics, famine, etc. But floods are due mainly to human factors. Members of the Treasury Benches may not agree with me but I hope by the time I have finished I shall convince them that it is the hand of man that is responsible for these floods. In the February session of this Assembly I had the temerity to ask a question in this House which was as follows :

“ Have Government inquired into the causes of the floods which are happening in several parts of the country ?

Are Government aware of the popular belief that the ravages of the floods are due to natural waterways being blocked up by railways which have failed to provide sufficient bridges and culverts ?

Have the Government made or do they propose to make a full inquiry into the matter ? ”

Mr. Butler, the former Secretary in the Agricultural Department replied :

“ The Government of India are not aware of the popular belief referred to in the question and have no information justifying any such idea. In individual cases where a flood has been proved to be partly due to the insufficiency of waterway in the railway embankments the necessary addition waterway has been provided as early as possible.”

I am glad the Department of Meteorology was not asked to reply to these questions. The Agricultural Department is concerned with the after effects of floods. They are not concerned with the causes that bring about so many floods. I wish the former Secretary of the Agricultural Department had replied that it is the sun that is responsible for the floods, because the sun heats the water, clouds come and thereby floods are caused. But of course the Honourable Mr. Chatterjee was saved from a reply to those questions and they were thrust on the Agricultural Department. (*The Honourable Mr. A. C. Chatterjee* : “ I was not aware even of these questions.”) We on this side of the House asked a series of supplementary questions that created quite a furor in the Anglo-Indian press. Sir, none of us believe that the Government of India, spending the rainy season on the heights of Simla, can ever imagine that floods happen in the country. I know occasionally there are landslides in Simla that sweep away the poor huts inhabited perhaps by some poor member of the staff of the Secretariat. But I do not think the Treasury Bench can realize the troubles and disasters of floods. Sir, since then my very assiduous friend Mr. Gaya Prasad Sinha has tabled interpellation after interpellation quoting chapter and verse from Government reports and proving that railway and similar embankments are the reasons why there are so many recurring floods in India. At last, only this session Government had to admit that the facts were as they were stated and that railways were partially responsible for floods in India. Yet it is curious of the mentality of the Treasury Bench that to a question of Mr. Gaya Prasad Sinha in the Delhi session about the causes of floods my Honourable friend Sir Henry Monierieff Smith replied that it was a question for Local Governments to decide and it was a matter in which the Government of India had very little interest. Sir, the waterways, rivers as they are commonly known to the people of India, are the natural courses of drainage of rain water to the sea. India has many mighty rivers extending over thousands of miles, running from east to west, north to south or west to east, depending upon

the watersheds of these rivers. These waterways did shape their course taking the natural path of low level flow to the sea. In the formation of the topography of our country, as in the geological formation of land in any other country, rivers were the natural drains of surplus rain waters. There was little obstruction from man. Embankments were raised at places. But people took advantage of high-levelled lands to build their towns and hamlets centuries ago. There were few roads and those that existed had sufficient waterways. There was little obstruction to waterways and rivers flowed merrily to the sea. If floods there were, water subsided after a few days of floods.

With the advent of the British rule, not only rivers were forded, but almost all rivers and streams were banked, leading to the raising of river-beds above the surrounding lands. Modern civilisation has brought also a great hankering for roadways. (*The Honourable Mr. A. C. Chatterjee* : "Are you objecting to roads?") No, Sir. I do not object. I am showing you how floods come. India is interlaced to-day with roadways. Honourable Members who come from districts may testify to this hankering among district board and local board members to run roadways from their town to their villages. Sir, this process is going on every day and the topography of the country is intersected and interlaced into small areas, which are lakes in the rainy season and dry beds in the dry season. The irrigation works of the State, now provincial departments, added their quota to such impounding. Canal embankments where they exist, go on obstructing natural drainage of waterways of India. Besides, they tap the water from a river from a certain point, thereby diverting the course of the old natural drainage—the rivers. Rivers have flow of water only during rains and this process has raised the beds of rivers still higher above the surrounding locality and river beds are now silted up with sand and mud.

Lastly, came the Railways with their embankment, sledge hammered lines, running mostly parallel to the many waterways in India. These Railways first came to exist under the guaranteed system. Their engineers had charters from the Secretary of State or the Government of India. Little did they pay attention to the occasional complaints of the Provincial Governments or to the comforts of the children of the soil. I can quote extracts here to show that such objections had been taken by different Provincial Governments. Some of these quotations are from the District Gazetteer of Rajshahi and Dinajpur districts. Their Governments complained—it has been stated—that the floods had been due to the railway embankments of Bengal in those years. The great floods in Northern Bengal in 1922, floods in Bihar and in my own province, Orissa, in the same year, disastrous floods in South India, the Punjab, Rajputana and the United Provinces have again crystallised in men's mind that some inquiry must be made into the causes of floods. Dr. Meghnad Saha, that renowned mathematician of Bengal, instituted such an enquiry under the auspices of the Bengal Flood Relief Inquiry Committee and wrote a very precise article in the *Modern Review* of November 1922. He quoted eminent authorities, specially Dr. Bentley, the Director of Public Health of Bengal, confirming the views that railway embankments are a good deal responsible for flood disasters. After that, the Railway Board also appointed an inquiry committee and appointed Rai Bahadur Ralla Ram, retired Engineer in Chief of the Eastern Bengal Railway, to that Committee. That gentleman also submitted a report



[Mr. Bhubanananda Das.]

to the Government confirming similar views and recommending that certain waterways of railways should be expanded. Rai Bahadur Ralla Ram has also mentioned the very valuable report of Dr. Maghnad Saha and though stated that it was quoted in the appendix the Government publication department has expunged the same valuable report.

My own considered opinion on the subject is that the hand of man in erecting these embankments of railways and of canals and highways without taking into consideration the general waterways of the country is solely responsible for these ever-recurring floods, recurring disasters to millions of the teeming population of India. Epidemics, cholera, malaria come in the wake of the floods—they attack people when all their little hoard of grain has been washed away. People die like rats. Who is responsible for this great calamity, a permanently inflicted calamity on the people of India? I admit Government have made grants but what is the use of granting relief. Why not remove the causes of these floods? It was reported in the papers that in the other House there was an interesting speech made by the Member for Revenue and Agriculture in which he said that the Government of India are granting one crore of rupees to the Madras Government. The Honourable Member is reported to have stated that Government have a soul and are sympathetic. If the Government have a soul and have considered it necessary to make a grant, why should they not consider some means by which the causes of these floods may be removed. What's the use of throwing crumbs of bread to the sufferers of the floods? What's the use of famine codes and famine funds? Remove the causes of floods.

Who is responsible for this great calamity, a permanently inflicted calamity on the people of India? Not the Railway alone—I absolve my Honourable friend Mr. Hindley from the complete charge, but all classes of engineers—the road engineer, the canal engineer and the railway engineer. Sir I myself am an engineer. It is no pleasure to me to accuse my own profession. Yet I maintain, the short sightedness and lack of foresight of my profession have brought the country to a land of famine, floods and epidemics. The Chief Commissioner of Railways will tell us what a great amount of money is spent on the maintenance and replacement of Railways in India per annum. He may, if he pleases, enlighten us and every member of districts knows what money is spent on replacement and repairs of roads and canals. What about the maintenance and repairs of nature's highways—the drainage outlet of nature's surplus water. You have too long interfered, blocked and obstructed such waterways. Has the State any waterway engineer to look after proper drainage? No. Canals and roads are provincial subjects. How can you co-ordinate their work? In the United States of America great engineering works have been undertaken and in some cases completed for preventing the ravages of floods. We have no department in the Government of India for such preventions and precautions. Yet the land revenue of India is about 40 crores of rupees. Nearly 90 per cent. of the people live on the land as agriculturists and labourers. No money is spent to maintain waterways which bring the Central and Provincial Governments crores of income and which is the source of maintenance of 300 millions of people.

Your Railways only bring in a nett revenue of 5 to 6 crores to the central exchequer. You spend crores on maintenance of railways, while

you neglect maintenance of the waterways of India which bring you such a large income and is the source of maintenance of nearly 300 millions of agriculturist people of India. There is something wrong, very wrong. Let there be a committee to inquire into this. Let there be representatives of Railways, P. W. D., Irrigation, and the representatives of the agricultural classes in it. That is my submission. I hope the Government will recognise the mischief and neglect done to the people in not maintaining waterways and will accept my Resolution and take early steps to avoid famine, starvation and epidemics in India. I hope Government who pose as the *ma-bap* of the teeming millions will recognise this obligation to the teeming millions and will accept my Resolution without a murmur.

**Mr. Mahmood Schamnad Sahib Bahadur** (West Coast and Nilgiris : Muhammadan) : Sir, in supporting this Resolution I shall point out how the floods are in a great measure due to railway bridges and railway and road embankments. The part of the country that is worst affected on account of the floods this year is Malabar and the adjacent districts of the West Coast, which I have the honour to represent. Now, I will explain to you with reference to the West Coast what happens during heavy rains and floods, how the railway lines are responsible for the floods. The West Coast is made up of the districts of South Kanara, North Malabar, and South Malabar. It is a narrow strip of land lying between the Western Ghats and the Arabian Sea. Its breadth is from 10 miles to 50 miles. The coastal strip is a low-lying land consisting of paddy flats and cocoa gardens. There are nearly 100 short and fast running rivers and streams which traverse this low land originating from the Ghats in the east and emptying their waters in the Arabian Sea, in the west. The railway line runs along the coast from one end to the other, south to north. But as this part of the land is very low, they had to make high banks for the railway line which not only has narrowed the breadth of the rivers but has also altogether blocked all minor streams. Formerly, whenever there was excessive rain and floods, all the water used to be emptied soon through all these rivers and streams ; and if there was still more water it was overflowing and passing along the low flats by the river side also. But now the high banks prevent all that and as it is not possible for all the water to pass through the few waterways kept in the middle of the rivers, all the country round is inundated and all these catastrophes happen.

Therefore while asking this House to support this Resolution, I shall also request the Government to make some contribution to the flood relief of South India, chiefly Malabar.

**Maulvi Abul Kasem** (Bengal : Nominated Non-Official) : Sir, at this fag end of the day and fag end of the session I do not like to take up the time of the House ; but I feel it my duty to impress on this House and the Government a particular matter. In the speech which introduced this Resolution made by Mr. Das, he referred to the reply given by the Government that the prevention of floods was a provincial matter, and should be dealt with by Provincial Governments. I submit, Sir, that the Provincial Governments are not in a position either to make sufficient inquiry or to take effective measures for the prevention of floods. It has been said with justice that floods are becoming too numerous these days, and when they come my countrymen suffer by the hundreds.

[Maulvi Abul Kasem.]

The Provincial Governments cannot do it because a river passes through various provinces, and the steps that have to be taken for the prevention of floods have to be taken at the catchment area and not on the banks of the river. We cannot prevent the floods by embankments on both sides ; it has to be done by control at the catchment area of all hill-fed rivers. But, Sir, the railways are to a very large extent responsible for these floods because they have waterways, culverts and bridges only where they are needed for the maintenance of the railway system, and they do not look into the condition of the other areas or of the agricultural population and see that the water passes freely. It has been clearly stated that the bed of the river has risen higher and the reason is that the flow has been obstructed by railways and by the irrigation canals that have been opened. I fully realise the importance of irrigation canals, but at the same time I think the natural channels and waterways should be maintained and should not be neglected. And, Sir, I may inform this House that, before the introduction of the Reforms, and before the Provincial Governments were entrusted with responsibilities, a big scheme of irrigation and prevention of flood was drawn up by the Government of India under the supervision of the Director General of Irrigation about the floods of the Damodar and two other big rivers in Bengal. A model was drawn up and much money, several lakhs, were spent on it, but immediately the Reforms came in, that was given up, because the Government of India said it was for the Provincial Governments to do it. The Government of Bihar and the Government of Bengal are the two Governments who are concerned with these schemes, and neither of them are taking any interest in the matter because their resources would not permit them and besides that, unless the Government of India move in the matter, the Provincial Governments can take no steps, and neither do their resources enable them to do so, and the railways are not under their control. Therefore I submit, Sir, this is a Resolution which affects the agricultural population. We have had enough of heroics and of politics ; this proposition moved by my friend is a practical proposition to benefit the agricultural population and for the national welfare of the country, and I hope the Government will treat it sympathetically and not throw it out, as they usually do others.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, coming as I do from a flooded district, namely, the district of Burdwan, I think it will not be proper for me to record a silent vote in support of the Resolution moved by my friend Mr. Bhubanananda Das. Now, Sir, what has been the effect of the floods in my district and the adjoining district ? The whole of my constituency is in the Burdwan district. If one takes the trouble to go through the districts of Burdwan and Howrah, he will see thousands of villages which have been devastated by these floods during the last 30 or 40 years. I remember in my younger days villages which used to yield harvests and where the peasantry was happy and contented, and the gentry had not to go out of their village but could maintain themselves in their own villages. Now when I pass through those devastated tracts, I find solitary houses left uninhabited by the people, and a few fields only here and there cultivated. This has been all due to the railway embankment by which the river Damodar has caused the right bank of the river to be devastated. So I think it is high time an inquiry was made and a committee appointed to investigate.

**Kumar Ganganand Sinha** (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : Sir, I would first support the Resolution and then briefly refer to my amendments as apparently they are of an explanatory character. Sir, it has been said in this House times out of number by almost every speaker who has preceded me that for the last few years we have noticed that floods are a matter of common occurrence. A heavy monsoon is always attended by floods in some part of the country or other. Look back upon the past three years. In the first year we had floods in Bengal, in the next we had heavy floods in Bihar, and yet in the third, this year, we have had very very heavy floods in Madras, not to speak of small areas all over the country that are visited by floods almost every season unless it happens to be a very dry one. Speaking for my own constituency, Sir, I must enlighten the House that a large part of the country drained by the Kosi and the Ganges is year after year suffering from floods for the last seven years. Other gentlemen who have preceded me have said that such is the case in their part of the country too, and I am sure those who will follow me will also bear testimony to this very fact by citing the example of their own part of the country ; and if all this information is put together I feel sure that it will go a great way to substantiate the urgency and the necessity of the adoption of the motion before the House.

Now, Sir, I need not tell the House what these floods mean to the country. Not only do untold miseries attend when floods visit the country but also when they go away they are followed by famine and pestilence, and further they are followed by financial embarrassment of the sufferers whom it takes years to regain their normal way of life which they lose by floods. Now, Sir, the Government gives them relief at the time of distress. I do not blame them for that ; but I must say that they do very little to mitigate the people's sufferings. They do very little to prevent the recurrence of these floods. The Central Government shift the burden on the Provincial Government and the Provincial Governments say they have no means to do anything. Here is my friend Mr. Gaya Prasad Sinha whose voluminous questions on floods are printed in the pages of the proceedings of this Assembly, and if you look at the replies given to him you will find that he has very often been referred back to the Bihar and Orissa Government. And here is the authoritative administrative account of the Bihar and Orissa Government entitled " Bihar and Orissa in 1923 ". I crave the indulgence of the House while I read a passage from this book which is pertinent to the question. At page 33 in the paragraph dealing with the effects of embankments on floods, it says :

"The problem, however, is one which it is not possible to solve completely by any local action. The only method by which floods can be completely controlled is by constructing retarding basins at a sufficient number of places in the upper reaches of rivers to enable a flood to be spread over a long period, which will allow the channels to carry off the drainage without overflowing their banks. The cost of this method of flood protection would be altogether prohibitive in a small province. Whatever action is taken in the lower reaches of a river can only be palliative. The channels of all rivers adjust themselves to carry the normal discharges, and any sudden increase above the normal can only be met either by continuous embankments or by allowing the rivers to spill over their banks. The construction of continuous embankments is attended by three dangers. The beds of embanked rivers tend to rise, owing to there being no exit for the sand brought down ; secondly, the intensity of flood low down is increased, and lastly, when breaches do occur, the damage is much more serious than when the river is allowed to spill over its own banks. The solution of the problem, therefore, lies in the provision of adequate spill-ways and careful

[Kumar Ganganand Sinha.]

control over the construction of railway and private embankments likely to interfere with the natural drainage."

Where are the people to go ?

This Resolution, Sir, is a very modest one as it only wants an inquiry, the first step toward a scheme for the prevention of the occurrence of these floods. My amendments supply some of the details. My first amendment is that the following be inserted after the word "experts" :

"possessing special knowledge and experience of the physical features of the different parts of India."

The effect of the amendment is only to qualify the word "experts". Experts may be brought from England having knowledge of the physical features of European countries but they cannot be of much use to us here ; and it is only proper that they should be qualified in such a way as to give us the right men for the work intended to be done.

My second amendment runs as follows : That the following be inserted after the words "all over India" :

"with special reference to Railway embankments."

There is a general feeling among the people, Sir, that railway embankments play an important part in bringing about such calamities. Government deny it. We ask for an inquiry to let us know where we are, and whether the suspicions of those who have no technical knowledge have any ground. For the technical wisdom of the amendment I rely on my Honourable friend, Mr. Bhubanananda Das, who is an engineer, and he says that I should not press this amendment for technical reasons. I accept his advice as that of an expert.

Further, I associate myself with the Mover of the Resolution and those who have followed him in asking the House to adopt the Resolution. I represent here millions of suffering humanity and I beseech the House on behalf of them to give unanimous support to the Resolution as amended by me. With these words I move my first amendment.

**Mr. C. D. M. Hindley** (Chief Commissioner, Railways) : Sir, I am rather sorry that my friend, Kumar Ganganand Sinha, has withdrawn his amendment which included in the Resolution special reference to railway embankments. Because of the withdrawal of that amendment I feel that I am rather out of place in dealing with this Resolution. I was hoping to be able to thank him for bringing in that reference so as to justify my standing up here on behalf of Government to deal with this Resolution. I suppose he would not like to move it now ?.....

**Kumar Ganganand Sinha** : I would like to have the statement of Government on that matter.

**Mr. C. D. M. Hindley** : I wish to say on behalf of Government, Sir, that the Resolution as placed on the paper is opposed not because Government have no sympathy with the objects of the mover of this Resolution. Government have the very greatest sympathy for the sufferers from these floods, regarding which we have heard so much during the last few weeks. I would like to say here, Sir, that I repudiate altogether the suggestion made by Mr. Bhubanananda Das that Members of the Government Benches here have no knowledge of the effects of floods on the country and on the people of India. Mr. Bhubanananda Das's picture of the Government sitting perennially on the heights of Simla, watching an occasional

trickle of stones down the sides of the hill and saying "I wonder how that has affected the people down below" is really rather ridiculous when it is applied to people like myself and other Members sitting on the Government Benches who have spent most of the working years of their lives among the people of India. I, Sir, have spent the best part of 25 years working on the plains of India and have never spent more than five or six days in any hill station until last year, and I do claim to speak with a certain amount of local knowledge—not only local knowledge but actual practical knowledge extending over a very large area in India, and I think extending over a considerably larger space both of time and of distance than the knowledge of Mr. Bhubanananda Das, my fellow engineer in this House. I am very glad to hear from Mr. Bhubanananda Das that he has studied the matter as an expert, but I can tell him that the engineer who has to build and maintain a railway embankment across country with difficult drainage problems gets to know intimately far more of the effects of embankments on the diversion of drainage than anyone can ascertain either by casual inspection of village fields or by reading text books.

I think, Sir, it is rather unfortunate that the Resolution is couched in such wide terms because there is apt to be considerable confusion of thought in dealing with such words as "floods". This description, this word "floods" is applied indiscriminately to cases varying from a small interference with agricultural operations which may extend to the loss or impairment of a crop on the one hand, and at the other end of the scale to such vast cataclysms as that which occurred recently in South India, both on the west coast and on the east coast, and the terrible floods that have occurred on the borders of the Indus. There is really very little connection between these two classes of floods and it is extraordinarily difficult to connect together the vast range of natural phenomena which occur between these two limits. Primarily speaking, these floods, whether large or small, whether the damage is very great or comparatively negligible, primarily speaking, these may be put down to excessive rainfall. Now, I know that that is an expression which is very often scoffed at because people say "But, what is excessive rainfall" and then we turn to the figures given to us by the Meteorological Department and see that the average has been so much, the maximum has been so much and the minimum has been so much, during the last year, and the rainfall in question is greater than anything which has been recorded by our Meteorological Department. Well, so far as our experience goes, such a rainfall is an excessive rainfall and it leads us, I think, to this, that, with the comparatively limited knowledge of the history of rainfall we have in different parts of the country, we are to some extent limited in the measures which can be taken to foresee and to prevent the effects of rainfall far above the maximum which has ever been recorded. Until human knowledge and the result of observations is extended a great deal further, I think it will be agreed everywhere that it will be impossible to foresee, even with the very best arrangements which can be made by the Meteorological Department the effects of excessive rainfall. I am presuming that the Honourable Member in moving the Resolution does not intend to refer to such an extension of scientific activity as would lead us in the early future to understand how to predict, say, the course of a cyclone in the Bay of Bengal. That may seem at first sight to be rather far-fetched in regard to this matter, but is an instance of one of the causes of serious floods I should like just to refer, while speaking on this subject of excessive rainfall, to the disaster which occurred in the neighbourhood of Waltair and the southern districts

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of Orissa last year. That disaster, Sir, due, as far as possibly be ascertained, to the course of a cyclone which started somewhere in the centre of the Bay of Bengal and could be followed up, by the observations of the Meteorological Department, until it crossed the coast somewhere near Waltair. Its direction at the time of crossing the coast was known and it could be predicted to some extent where it would travel. Instead, however, of travelling in a straight line after causing very severe damage at Waltair and Vizianagram, it proceeded in a slightly northerly direction and remained in the neighbourhood of the hills lying to the north-west of Vizianagram for a considerable period for 12 or 15 hours—and during that time it gave an enormous amount of rainfall in those hills. As far as I can remember, there was no actual record because there was no station which recorded that particular rainfall. There was therefore no actual record of the amount that fell, but judging from the amount of water which came down the rivers along the coast there, it must have been a most abnormal rainfall. Those rivers which lead from the hills to the sea across a fairly flat piece of country became flooded and in the course of a few hours the floods spread out over the banks of the rivers and the whole country was inundated on a front of something like 50 miles. The floods near the coast came in contact with the railway embankment. Now, Sir, looking at that picture of the hills in the background and the flat piece of country running down to the sea, looking at it on a proper scale, you can see that the railway embankment was a mere thread across the country and it had practically no effect at all upon the onward march of the flood. As a matter of fact, the railway embankment was almost destroyed for a distance of between 80 and 100 miles. I am giving that as an instance of the impossibility of being able to guard against or prevent floods which are quite obviously due to excessive rainfall.

Now, Sir, as Mr. Abul Kasem has pointed out, the effect of rainfall on localities depends very largely on the amount of rain which falls in what he called the catchment area. I gather what he meant was that there may be comparatively small rainfall at the place where you are living at the time, but owing to very excessive rainfall elsewhere, you may come in for the serious effects of flooding. Those members of this House, Sir, who come from the South of India will understand what I mean when I refer to the floods which recently occurred in the Tanjore district and round about Trichinopoly. The rain which caused those floods fell primarily in the Anamalai Hills, the Palni Hills and the hills lying to the west of the Presidency, somewhere between 150 to 200 miles away from the place where the damage occurred. I am mentioning this as one of the causes of floods and as illustrating the extraordinary difficulty of ascertaining accurately what the causes of floods are. Another instance which again brings me to Mr. Abul Kasem's mention of catchment areas would be the recent floods in the Muzaffargarh district in the Punjab, where I have read that the Indus rose to a height of something like 50 feet above its normal level. Now, where did that water come from? If Mr. Abul Kasem's contention is correct, the authority which controls the catchment area should take care that these floods do not occur by providing impounding works and seeing that the flood is properly regulated. I do not know, Sir, whether the authority which controls the sources of the Indus would be likely to meet the requirements of the case by coming to an amicable financial arrangement with this House with regard to the cost of such works.

Now, Sir, I have dealt with one of the many causes of floods, namely, excessive rainfall. There is another cause which I think Mr. Bhubanananda Das perhaps will understand, but I am rather doubtful if any other Members of this House will readily follow me as far as I should like to go. In the first place, there are known to be gradual changes in the beds of rivers from time to time and extending over very long periods for which so far we have very little definite scientific explanation. We know from observations that silting takes place and a gradual change of the course of the river takes place through obscure causes. A study of large scale survey maps from the earliest times down to the present day would give Mr. Bhubanananda Das a very interesting amount of information with regard to these changes. There are, for instance, marked on the survey maps such things as the old bed of the Ghaggar or Hakra in the south of the Punjab. Can any one readily explain why there should be an old deserted bed of a river running right across a stretch of country which but for the operations of the Irrigation Department would be an arid plain. This particular case has nothing to do with the advent of what is called the British rule in India ! Such old river beds exist in various parts of the country and I am not sufficiently acquainted with geology to know their exact origin, but they indicate how the rivers as we now know them used to run in one period of their history and we cannot predict how they are going to move in the course of, say, 30 or 40 years. Every one who has lived near one of the larger rivers of India will know that there are cases where rivers have changed their course unexpectedly and with very serious losses to localities. I know one case myself in the Monghyr district where the Ganges as shown on the earliest maps available was something like 16 miles north of the point where it runs now. No railway embankment, no canal embankment, no road, not even the District Board road, is going to interfere with the course of the Ganges. The Ganges at that point in the monsoon is sometimes as much as 13 miles wide and of unknown depth and no human agency is going to interfere with it.

At that particular place I speak of it has changed its course during the last 70 or 80 years from a position 16 miles north of its present position to its present course. These great changes of the great waterways of India result possibly from changes beneath the surface of the earth and are things which no human agency can affect. In regard to silting up and changing of courses of rivers, of course as Mr. Bhubanananda Das will remember a very large amount of scientific work has been done to ascertain the causes of changes. As an illustration of one of these changes occurring which might quite easily have been considered by the local inhabitants to be due to the existence of a railway bank, I would like to mention a case where I had under my own charge a railway line running across an island between two branches of a very large river. Over the two branches of that river we had bridges of something like half a mile in length. It was a very large river indeed, dry most of the year but a raging torrent during the rains. The river bifurcated five miles above the railway and went down through these two bridges, the bridges being ample to carry all the water that came down year after year. In the centre of this island, there was a small flourishing village. One year for no reason that I could ascertain—Mr. Bhubanananda Das might possibly have ascertained it—the river took it into its head to run down the centre of this island. It washed away the village. It burst through the railway embankment between the two bridges and caused a very great deal of destruction to cultivated land. That is a case where



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the people in the locality would undoubtedly consider that the railway embankment was much more to blame for their disaster than the hand of God.

Now, Sir, I wish to refer to one or two other natural causes of floods and these will interest Mr. Gaya Prasad Singh and those who come from the province of Bihar and Orissa and feel so acutely with regard to the shortcomings of the Bengal and North Western Railway. There are cases, and many cases, where there are what we call confluences of large rivers. There are the Gogra, the Kosi, the Gandak, and many others which run into the Ganges and form confluences, that is to say, the running together of two rivers. Now the piece of country between two rivers at a confluence is every year flooded. Whether there is a railway embankment or not, for generations that piece of country between two rivers must have been flooded. The flood is sometimes higher on one side and sometimes higher on the other depending on the amount of water coming down one river or the other river. One of the particular cases which Mr. Gaya Prasad Singh has most persistently questioned me about was the case of a railway embankment, a very high railway embankment, running along a watershed between two rivers forming a confluence. That, if I have made myself clear, will indicate the difficulties of dealing with a problem of the kind which he has referred to. He complains that the country is flooded on both sides of the embankment and sometimes more on one side than on the other. Now the country in that particular place would be flooded in any case. If the Ganges gets the better of the other river and spills over into the area of the other river and similarly if the Bur Gandak spills over towards the Ganges, that is to say, has to bring down more water than the Ganges is bringing down, then it will certainly spill over the intermediate country and cause floods. The railway embankment has been placed on the most suitable line between these two rivers and although there may be a difference of level between the water on one side and on the other, the presence of the embankment is generally to the benefit of some of the landholders for the water is held back to its natural area rather than allowed to flow across the country. Now Sir, we come to artificial causes. I have mentioned several of the natural causes which we are quite unable to control. I would now just refer briefly to artificial interferences. First of all, Sir, I think it is not generally recognized that agricultural operations themselves do interfere very largely with the flow of water across the country. Those Members of this House who come from rice-growing countries will know that interference with natural drainage is of the very essence of the most elementary forms of agriculture. The man who has to divert and direct the water into his rice field is interfering with natural drainage. He gets water where he can, and instead of leaving it to flow by its natural watercourse into a river and so sweetly on to the sea, as Mr. Bhubanananda Das desires, he stops it on the way and uses it for growing his rice. Incidentally he uses it for breeding mosquitoes.

And this brings me to Dr. Bentley. Now Dr. Bentley has written a good many pamphlets and propounded very emphatic views that railway embankments are the cause of poverty and distress and malaria in Bengal. I have never been able to understand on what lines of reasoning Dr. Bentley

who is a public health officer, not an engineer, has arrived at this conclusion. I can only imagine that his mind worked in the same kind of logical way as it did when he propounded the theory which he considered to be a certainty that on the opening of the Panama Canal India was to be infected with yellow fever. He raised the battle cry in Bengal against the stegomya mosquito and the Government of Bengal was very nearly pushed into carrying out an enormously expensive campaign against this poor little insect, millions and millions of whom inhabit peacefully the rice-fields of Bengal. The little stegomya mosquito, according to Dr. Bentley, if it once got infected by yellow fever brought by ships coming through the Panama Canal, would spread yellow fever all over India, and that, said Dr. Bentley, would be the end of British rule in India. I do not know whether my friends on the opposite side of the House have considered this as a possible course for their future activities. So much for Dr. Bentley. Agricultural operations interfere with drainage from the work of the agriculturist on his rice-field to the work carried out by the Punjab irrigation engineers which interfere with the natural flow of the water down the five rivers of the Punjab, much to Mr. Das's sorrow because the water cannot go on flowing down to the sea. It is taken off in canals and used for irrigation purposes with fairly satisfactory results. That also is an interference with natural drainage. The other causes of interference with natural drainage we come to now are road embankments, canal works and my own particular subject, railway embankments. Now, Sir, I can well understand and have always understood with a good deal of sympathy the feeling that railway embankments do interfere to some extent with natural drainage. But I do think it is necessary for me to explain quite clearly that from the very earliest times of railway construction the very greatest care has been taken by construction engineers to secure that as far as possible natural drainage shall not be interfered with. It is assumed sometimes that the interests of railways and the interests of agriculturists are not the same. I would like to point out that they are very much the same. If a flood occurs which can damage fields and villages, it is also going to damage the railway. The greatest danger that a railway can have is a flood that may carry away an embankment or root up a bridge. Some of the most terrible accidents that have occurred have been due to this cause. Now the very greatest precautions therefore and the utmost scientific care is taken to see that adequate waterway is provided when a railway is constructed. I do not think that I need read the section, but it is the custom in this House to get an Act and read a section out of it. But I will content myself with saying that section 11 of the Railway Act makes it incumbent on a railway administration to make and maintain the necessary accommodation works for waterways and other public requirements. In connection with that, I would like to explain the actual procedure which is gone through when a new railway has to be constructed. At the time of the survey, the engineer who surveys the line has very strict instructions that as soon as he has decided on the waterways in the embankment which he is going to recommend, the whole of the scheme, the plans, sections and all his calculations, are to be submitted to the Local Government and the Local Government is asked to send any remarks it has to make to the Railway Board. The Railway Board, therefore, always has available the opinion of the Local Government, which no doubt consults its local officers, before deciding finally on the waterways which are to be allowed to be made in the railway. That, Sir, to my knowledge, is a live matter and a matter which Local Governments do

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not overlook; particularly in provinces where they have a highly developed Public Works Department and have engineers who can study these projects. We in fact usually have a considerable amount of discussion and argument before finally settling in concert with the Local Government the amount of waterways to be provided.

I do not think it would be quite fair for me to take the House into the lengthy calculations which are gone through by an engineer when he has to construct a bridge in order to ascertain the amount of waterway to be allowed. Mr. Bhubanananda Das probably knows the formulae. We have laid down for many years past in our instructions to engineers making surveys the exact amount of detailed information which shall be obtained at the time of making the survey, in order that the calculations for the waterway shall be as accurate as possible. We have, therefore, the first stage when the engineer makes the survey and makes his calculations, the second stage when the Local Government and the local officers are consulted as to the amount of waterway required and we have a third stage as well. Before the line is actually opened for traffic the Senior Government Inspector satisfies himself and satisfies the Railway Board that the amount of waterways provided are sufficient for public safety. That, Sir, is the actual procedure which indicates that the matter is not haphazard and that the railways are not driven with a sledge hammer force, as I think an Honourable Member has suggested, across the face of the country without reference to natural drainage. I should like again to refer before I come to my last point to the Local Government's position in the matter. It is not correct to say that Local Governments have no redress and are unable to move the Government of India to effect improvements where improvements are indicated in the waterways. There have been many cases in recent years where Local Governments themselves have held inquiries as to the sufficiency of waterways in particular districts, and in such cases the Government of India have generally at the same time appointed either a Committee or a special officer to inquire into the matter and to submit a technical report on the particular case at issue. In fact, wherever a *prima facie* case of inadequate waterway is made by the Local Government to the Central Government, I may say that the Railway Board make local investigations at once by expert engineers. I would refer to certain cases of this kind probably within the memory of some Members of this House, to the investigation made by Sir Robert Gales in 1917 on floods at Manse-Pasraha on the Bengali and North Western Railway, to the Committee which was appointed by the Government of India in 1921 on the flood damages near Amroha and to the investigation made by Rai Bahadur Ralla Ram on the Northern Bengal floods in 1922. That, I think, Sir, meets the point which Mr. Bhubanananda Das made when he indicated that no action can be taken by the Local Governments to induce the Central Government to look into these matters.

Now, Sir, I come to my last point. My friends who have moved and supported this Resolution will want me to say, if we do not agree to appoint a Committee, what steps we propose to take. My view and the view of the Government is that where cases occur and where there is a local feeling that a railway embankment or a road embankment or any other work designed by the hand of man are interfering with natural drainage causing damage to land and danger to the lives of the people, then it is the

business of the Local Governments primarily to take up the investigation. This is a very large subject if it is looked at from the point of view of the whole of India. It is a very large and very important and very serious subject. But it is primarily the duty of the Local Governments to look after the rights and property of the people. And it is the Local Governments who should institute an investigation in the first instance. It is not a matter in which we wish to throw the responsibility on to somebody else. Under the constitution it is one of the functions of the Local Governments and it is their duty and it is a duty which they would not wish to evade. Now, with regard to our connection with this matter, that is to say, where railway embankments affect drainage, we are perfectly willing at any time to assist Local Governments in their inquiries by lending them special officers and engineers and by appointing a committee. We are perfectly willing to investigate any case which is brought to our notice by the Local Governments, and there I think the duty of the Central Government as regards investigation really ends. The duty of investigation and examination lies first with the Local Governments and only secondarily with us. We are perfectly willing by means of our expert officers to assist in arriving at proper decisions as to any alterations that may be necessary. I gathered from some remarks which fell from the Honourable Members who spoke in favour of this Resolution, that they expected to have very serious opposition from the Government in regard to this Resolution. I do not however in the least object to this matter having been brought forward. In fact, I very much welcome the opportunity that it has given to the Members of this House to let us know what they think about the subject and also the opportunity it has given to me of letting those Members know what I think about it. It has been a useful discussion. I hope my friend who moved this Resolution will agree with me that I have to some extent established the case for the care with which the Government and the Railways deal with these matters when they are brought to their notice. I would like to suggest that the matter be left with us for the present and we will look into it generally to see whether it is necessary to address Local Governments, with an invitation that we should assist them in any particular case in which they may be concerned. I am perfectly willing to do that and suggest that if those gentlemen who have moved and supported this Resolution have sufficient confidence in me to leave the matter where it is, they might perhaps withdraw their Resolution.

**Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna : Non-Muhammadian Rural) : Sir, the Honourable the Chief Commissioner for Railways has made a most interesting and instructive address to us both on the natural and artificial causes of floods.

With regard to this matter the Honourable Member proceeded to state that the removal of the causes of floods is essentially a matter for Local Governments, and that the Government of India would be willing, when a case was brought to their notice, to investigate the case lending their officers, and to take such other steps as may be necessary to remove the grievances of the people in this respect. I think, Sir, that the two departments that are concerned in the matter are the Public Works, and the Railway Department.

In regard to the first of these departments, it is clear that irrigation is a provincial subject, and to the extent that floods are caused by deficiency of proper drainage arrangements, this matter is within the sphere of the local administrations, but to the extent to which floods

[Diwan Bahadur M. Ramachandra Rao.]

are caused by defects in railway embankments, it seems to me that it is essentially the duty of the Government of India to take measures to prevent them.

The Honourable Member very rightly pointed out that under section 11 of the Railway Act accommodation works have to be provided for. May I point out to him that under section 7 enormous powers have been given to railway administrations and to railway companies for the purpose of altering the courses of rivers, streams, water-courses, etc., for the purpose of providing tunnels, bridges, passages, etc., and to divert and alter the course of rivers, streams, etc. It is true that this provision has been made for accommodation works under section 11, but I would like to point out that many of the railways in the country were constructed by Government several years ago when there was no public opinion in the country, and the provision of accommodation works and suitable waterways had been altogether inadequate. I cannot cross swords with an expert like Mr. Hindley as regards what provision should have been made for the drainage of the country ; but there is no doubt that the general feeling throughout the country is that the railway companies as well as the Government of India have not made sufficient provision for drainage.

The Honourable Member made some reference to-day to the floods that occurred in the northern districts of the Madras Presidency. I believe that the Government, when they restored the line again, went to considerable expense to provide additional culverts for passing the drainage of the country across the Railway embankments. May I ask the Honourable Member if I am right.

**Mr. C. D. M. Hindley :** That is correct. Certain additional waterways have been made.

**Diwan Bahadur M. Ramachandra Rao :** That is exactly my point. The East Coast Railway was constructed in 1892. Many other lines were constructed several years ago. Our contention is that sufficient consideration has not been shown in the way of providing adequate waterways across the railway lines.

The Honourable Member then proceeded to refer to Dr. Bentley. Dr. Bentley is an expert and my friend is an expert and each is wedded to his own theory. I knew Dr. Bentley years ago. I met him at one of the All-India conferences.

I may also point out, Sir, that there was another gentleman, who was the editor of one of the most influential newspapers, Mr. Motilal Ghose, who as a delegate to one of these All-India Conferences, traced the present position in Bengal in regard to malaria mostly to want of insufficient provision for the drainage of the country. I wish the Honourable Mr. Hindley would peruse some of those papers because Mr. Motilal Ghose was not an expert, nor was he wedded very much to the mosquito theory. But however, so far as the general feeling is concerned, it is thought that the railway companies as well as the Government of India were more intent to have their schemes put through as cheaply as possible and very very little consideration was shown to the people who are affected. Speaking from memory, I think there are adequate provisions in the English Railways Act which require that, when any big scheme for the construction of a railway

is made, the scheme has to be published in the locality and objections invited. That is a statutory provision for the protection of the people. May I ask if there is anything in the Indian Railways Act to protect the people who are affected by alteration in the course of rivers and streams? There is no statutory provision either for publication or for invitation of objections. Sir, I feel that the railways are very influential corporations, and the Government of India and the railway administrations have had it all their own way hitherto and we believe that much of this present trouble is due to insufficient attention to the drainage needs of the country. Sir, my Honourable friend would find considerable support for what we have urged. I therefore think that this matter should be sympathetically considered. I am not at all satisfied with the reply the Honourable Member has made that the matter should be left entirely in his own hands. We have confidence in him, but there is this question which we have to face, that floods have occurred in various parts of the country, and there is this volume of opinion that a portion of this is due to artificial causes which can be removed by the provision of suitable waterways. I only wish to say one word with reference to the floods in the South of India. I see the Honourable Mr. Hindley's theory is that there was a good deal of rainfall in the Anamalai hills and that the floods which resulted in three or four districts is due entirely to this excessive rainfall on the Anamalais.....

**Mr. C. D. M. Hindley :** I did not say "entirely." I do not know my geography of Southern India as well as the Honourable Member does, but I believe some of the branches of the Cauvery river start from the Anamalai hills.

**Diwan Bahadur M. Ramachandra Rao :** My remarks with regard to the general cause of floods apply equally to Southern India, and I do not know that the South Indian Railway constructed its waterways with such consideration for the people and their requirements that it should be taken out of the general remarks I have just made. I believe Sir, it is very necessary, at any rate at the present, to call for some information as regards the causes of these floods, and then to undertake investigations in various parts of the country where these floods have occurred and if the railway administration, as we contend, is responsible. Some portion of the very ample funds in the hands of the Railway administrations should be devoted to providing additional waterways for carrying off the drainage of the country.

**The Honourable Mr. A. C. Chatterjee (Industries Member) :** Sir, I do not happen to be an engineer like the Honourable Mr. Hindley or the Honourable Mr. Das, but unfortunately for the House I am at the present moment in charge of Irrigation and Roads and Buildings so far as the Central Government's functions extend in those directions. The debate has been an exceedingly useful one, and personally speaking I am very glad indeed that a subject of this description has engaged the attention of this House.

As the Honourable Mr. Hindley has already stated, Government are in great sympathy with the object of the Resolution. He has also explained that it is not much use appointing one committee to go into the causation of floods all over the country. I do not think a committee of that nature will terminate its labours for the next 25 years and in the meantime a great many floods will occur and will remain unremedied. Mr.

[Mr. A. C. Chatterjee.]

Hindley has given the assurance that the matter will engage the attention of Government. I would add this much, that we shall communicate with Local Governments. After all, as Mr. Hindley has pointed out, it is the Local Governments who are primarily interested in the matter, and unless they make the first move it is very difficult for the Government of India to find out where floods have actually occurred, and where special investigations are necessary. We do not disclaim responsibility for any damage that may have been occasioned by railway embankments. If we suggest that the Local Governments should first move in the matter, it is not in order to disclaim responsibility on the part of the Government of India in cases where the damage has been occasioned by railways. My Honourable friend Mr. Ramachandra Rao has admitted that so far as irrigation is concerned it is the concern of Local Governments. I may in passing mention with reference to what fell from Mr. Amarnath Dutt and Mr. Abul Kasem that the Damodar and the Ajai projects in Bengal had been initiated by the Government of Bengal and not by the Government of India, and it was the Bengal Government which abandoned those projects and not the Government of India. The remedy of both Mr. Abul Kasem and Mr. Amarnath Dutt is in the Bengal Legislative Council and not here. Mr. Ramachandra Rao seemed to suggest that the people who built the railways in the early days did not really take much interest in the welfare of the country through which the railways passed. I do not think that that is a very fair assumption because after all the railways live on the prosperity of the country, apart from the fact that if there is a heavy flood and the railways are breached the railways themselves sustain very heavy pecuniary loss. I do not wish to detain the House. I think we have given enough assurances to satisfy the House that the matter is receiving the attention of the Government and will continue to engage the attention of the Central Government in consultation with Provincial Governments. In view of these assurances, I hope that after this very useful discussion the motion will be withdrawn.

**Mr. Bhubanananda Das :** Sir, I am glad that the debate on the Government side was led by such an eminent engineer like the Honourable Mr. Hindley. I wish Mr. Hindley had not been so very partial to his own subject of railways and had not forgotten other artificial causes of floods like the canals and roadways. I wish also that his observations had not been so much blurred by political considerations. However, I am glad to have the assurance given by my Honourable friend Mr. Chatterjee, that the Government will investigate into the causes of floods. I maintain that such investigations as this inquiry must be undertaken by the Central Government and not by the Provincial Governments. I desire co-ordination of work between all the Provincial Governments and the Central Government. Provincial Governments generally are henpecked by the Central Government and the Central Government's engineers (*The Honourable Sir Basil Blackett :* "What about the provincial contributions?") boss over the Provincial Government engineers; so naturally the Government engineers in the Provinces and the Provincial Governments cannot look after the welfare of the agricultural population unless the Central Government, who look after the interests of the whole of India, institute such an inquiry—whether by a departmental committee or by an outside committee matters little. However, I am glad of the assurances given by the two

Honourable Members on the Government side and I hope they will keep this subject in view and not let it drop. With these remarks I beg leave to withdraw my Resolution.

The Resolution was, by leave of the Assembly withdrawn.

**Mr. President :** I have to acquaint the Assembly that the Select Committee on the Soldiers Litigation Bill which has been set down for to-morrow at 12 noon is now postponed until further notice, which I presume will be some date in winter.

#### RESULT OF THE ELECTION TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

**Mr. President :** I am in a position, contrary to expectation, to announce the result of the election to the Standing Finance Committee for Railways ;

Sir Purshotamdas Thakurdas,  
Maulvi Abul Kasem,  
Mr. M. S. Aney,  
Mr. W. S. J. Willson,  
Mr. V. J. Patel,  
Mr. Darey Lindsay,  
Sir P. S. Sivaswamy Aiyer,  
Maulvi M. Samiullah Khan,  
Mr. K. C. Neogy,  
Mr. Jamnadas M. Metha, and  
Mr. K. Rama Aiyangar.

#### MESSAGE FROM H. E. THE VICEROY PROROGUING THE SESSION.

**Mr. President :** Message from His Excellency the Governor General :

(The Members of the Assembly stood during the reading of the Message.)

*" In pursuance of sub-section (2) of section 63D of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby prorogue the Session of the Legislative Assembly on the conclusion of its business on Wednesday, the 24th of September, 1924."*

SIMLA :

(Sd.) READING,

The 22nd September, 1924.

Viceroy and Governor General."





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TO

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